Rhode Island Commission on the Deaf and Hard of Hearing

Board Manual

The Commissioner Manual was approved as of February 4, 2009

The photo on the front page was taken by Steven A. Florio, Executive Director, on September 3, 2005. The scene snapshot was held at the Greenwich Bay in Warwick, RI.

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State of Rhode Island and Providence Plantations

Rhode Island Commission on the Deaf and Hard of Hearing

• COMMUNICATIONS • OPPORTUNITIES • EQUALITY •

February 4, 2009

To the Commissioners of the RI Commission on the Deaf and Hard of Hearing:

This Board Manual represents another milestone in the life of the RICDHH. It will guide us as we attend to the business of fulfilling all of our Legislative mandates including making the commission more accessible with its Deaf and Hard of Hearing constituents.

We have the unique opportunity to work collaboratively by sharing our experiences and insights on behalf of the specific population groups we represent including the Deaf, Hard of Hearing, Late-Deafened, Parents, General Public, Interpreters and Professionals working in the field of hearing loss.

We must be ever mindful of our duty to the constituents and the legacy we leave for future Commissioners that will follow us. Through our work today, the lives of many Rhode Islanders will be enhanced for years to come.

Sincerely,

Travis R. Zellner
Chairperson of the Commission

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State of Rhode Island and Providence Plantations

Rhode Island Commission on the Deaf and Hard of Hearing

• COMMUNICATIONS • OPPORTUNITIES • EQUALITY •

February 4, 2009

Dear Commissioners:

Congratulations! Welcome to the Rhode Island Commission on the Deaf and Hard of Hearing! As you know, you have accepted responsibility and have taken oath under the Governor of the State to serve on the Commission to fulfill the mandates created by the Rhode Island General Assembly. The resources, services, and programs available in Rhode Island are directly or indirectly from the work and decisions you all will make on behalf of the Deaf and Hard of Hearing citizens in Rhode Island.

You are in the position of empowering others to create opportunities to improve the quality of life of the deaf and hard of hearing citizens in Rhode Island through your collective leadership and collaborations by removing barriers, creating equality, producing efficiency, and ensuring communication access both within the Rhode Island Government and at large across the state.

Your tenure with the RICDHH is precious because the length of your tenure is merely short but it may make a huge difference in the quality of life of deaf and hard of hearing citizens in Rhode Island that may last for a long time. Let's mark your legacy here with many successes of the Commission yet to come as there is always the most rewarding experience of your life.

As your Executive Director, I have the same level of passion as yours for the betterment in all aspects of our lives in Rhode Island, therefore, I am ready to work with you in every way of possible.

Sincerely,

Steven A. Florio
Executive Director

Department of Administration Building, One Capitol Hill, Ground Level, Providence, RI 02908-5850
(401) 222-1205 (TTY & Videophone) (401) 222-1204 (Voice) (401) 222-5736 (FAX)
E-mail: cdhh@cdhh.ri.gov Website: www.cdhh.ri.gov

Acknowledgement and Understanding of this Commissioner Manual

I state that I have reviewed this Board of Commissioners Handbook in its entirely and that I fully understand its contents, especially:

	(Initials)
Section I: Introduction	_____
Code of Values	_____
Section II: RICDHH	_____
The Commission At A Glance	_____
Purpose of the RICDHH	_____
Tri-Vision Philosophy	_____
Is the RICDHH Independent? What Does It Mean?	_____
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I understand that this handbook was designed to assist me in my performance and in meeting the expectations of the Board. According, I shall:

⇒ Reference information and guidelines here _____
⇒ Perform my duties to the best of my abilities _____
⇒ Contribute to the upkeep of this handbook _____

_____ _____

Board Member Signature **Date**

SECTION I – INTRODUCTION

CODE OF VALUES

We believe…

- every person we help who achieves their potentials, fulfills our mission.
- in superior service to our consumers, our community, and to each other.
- success is the result of clear, cooperative, positive thinking.
- loyalty adds meaning to our lives.
- management should seek out and recognize what people are doing right and treat everyone with respect.
- challenges should be used as learning experiences.
- in the untapped potential of every human being. Every person we help achieve their potential fulfills our mission.
- we must re-earn our positions every day in every way.

We live our Code of Values by….

Integrity

- making only agreements we are willing, able, and intend to keep.
- communicating any potentially broken agreements at the first appropriate opportunity to all parties concerned.
- looking to the system for correction and proposing all possible solutions if something is not working.
- operating in a responsible manner "above the line".
- communicating honestly and with purpose.
- asking clarifying questions if we disagree or do not understand.
- never say anything about anyone that we would not say to him or her.

Respect

- treating others as we would like to be treated.
- listening with the intent to understand what is being said and acknowledging that what is said is important to the speaker.
- responding in a timely fashion.
- speaking calmly and respectfully, without profanity or sarcasm.
- acknowledging everyone is right from their perspective.

Consumer Focus

- continuously striving to maximize internal and external consumer loyalty.
- making our best effort to understand and appreciate the consumer's needs in every situation.

ORIENTATION ON GENERAL BOARD FUNCTIONS

Definition of a Board

- "An effective board composed of independent but committed outside people can give the organization the clear focus on mission, the definition of results, and the accountability for the money entrusted to it that it needs"
(Peter F. Drucker)
- "An organized group of people with the authority to control and foster an organization that is usually administered by a qualified executive and staff" (Cyril O. Houle)

Purpose of a Board

- Developed to provide guidance and support to a Commission
- Oversees:
  - The work to be done
  - The administration of that work
  - Establishing policies to guide the work

Effective Partnership

Dynamic tension is inevitable and healthy

- Shared sense of ownership
- Agreement on roles of the Board and ED
- Appropriate involvement of staff (managed by the ED)
- Mutual respect and trust
- Acceptance of the dynamic tension
- "both board and the executive are essential to the proper functioning of the organization…must work as equal members of a team rather than one subordinate to the other." (Peter F. Drucker)

Basic Responsibilities of the Board

- Determine the Commission's mission and purposes
- Select the executive
- Support the executive and review performance
- Ensure effective organizational planning
- Ensure adequate resources
- Manage resources effectively
- Determine and monitor the Commission's programs and services
- Enhance the Commission's public image
- Assess its own performance

Basic Responsibilities of the Executive Director

- Keep the Board informed
- Bring policy needs to the Board (assume that the Board doesn't know the daily functions of the Commission.)
- Implement programs and policy
- Hire, direct, and evaluate staff
- Interface between the organization and the constituent community

- Assist Board members in recruitment, orientation, and training members
- Provide direction for Board strategic planning
- Bring evaluation of programs to Board
- Draft budget; write financial reports
- Help with leadership development
- Act as intermediary between Board and staff
- Promote Board ownership of the Commission

Executive Director's Perspective of an Effective Board

- Board understands its legal responsibilities as the governing body of the Commission
- Board Chair runs meetings in an effective and efficient manner
- Board actively promotes the Commission to the community
- Board takes an active part in long-range strategic planning for the Commission
- Board recommends new members with regard to the specific skills or connections they can offer
- Board members prepare for meetings by reading material sent to them before the meeting
- Board members are willing to accept positions of leadership on the Board (officer, chair, etc.)
- Board members review financial statements carefully and ask for explanations of anything they don't understand
- Board stays out of administration, which is the Executive Director's job

GLOSSARY

Adventitious Deafness: Deafness occurring sometime after birth.

Commission: The Rhode Island Commission on the Deaf and the Hard of Hearing as defined in RI General Laws, 23-1.8 – "In view of the barriers and disadvantages which deafness and hearing impairments impose on those individuals so affected, and in view of the testimony on deafness received by a legislative study commission, it is hereby proposed that a permanent Rhode Island commission on the deaf and hard-of-hearing be established."

Commission Member: A person appointed to the Rhode Island Commission on the Deaf and the Hard of Hearing by the Governor

Commission Staff: The staff member(s) of the Rhode Island Commission on the Deaf and the Hard of Hearing including the Executive Director, Program Manager, and Interpreter Referral Specialist of the Commission

Congenital Deafness: Deafness occurring before or at birth.

deaf: Generalization indicating profound hearing loss.

Deaf: Those individuals who have a severe to profound hearing loss and who communicate primarily with American Sign Language, writing, speech-reading, and/or gestures.

Deaf-Blind: Those individuals who have both severe hearing loss and vision loss and who communicate primarily with tactile American Sign Language and/or Braille or large print written communication.

Executive Director: The Chief Executive Officer of the Rhode Island Commission on the Deaf and the Hard of Hearing

Hard of Hearing: Those individuals who have a mild to severe hearing loss and who rely on spoken English or speech-reading as a primary method of communication.

Hearing Impaired: A general term used to describe any deviation from normal hearing. This encompasses all degrees of hearing loss, from a mild hearing loss to profound deafness. Hearing loss is the single most prevalent chronic physical disability in the United States, affecting more than 30 million people.

Interpreter Referral Specialist: A staff member who reports to the Executive Director is responsible to handle all interpreter referral services including emergency interpreter referral service.

Late Deafened: Those individuals who have severe hearing loss and who rely on written English or speech-reading as a primary method of communication.

Onset of hearing loss: The age that a person acquires a hearing loss.

Postlingual Deafness: Deafness that occurs after spoken language is acquired. The effect of postlingual deafness on speaking, reading, writing, and speechreading depends on the individualand the onset and degree of the hearing loss.

Prelingual Deafness: Deafness that occurs before the age at which spoken language normally is acquired. Prelingual deafness significantly alters the quantity and quality of exposure to English that a young child needs for normal development of spoken language skills.

Program Manager: A staff member who reports to the Executive Director is responsible to do the information and referral, conduct volunteer program, to outreach the RI Community, and other tasks instructed by the Executive Director.

Resident: An individual who lives in the State of Rhode Island as his/her primary residence.

Residual Hearing: The hearing that remains after a person has experienced a hearing loss; the greater the hearing loss, the less residual hearing.

WHAT MAKES DEAF AND HARD OF HEARING UNIQUE?

The needs of the deaf and hard of hearing differ from other disability groups due to the significant communication barriers that restrict interaction with the larger population as well as the "hidden" nature of hearing loss. The invisibility of this consumer group has resulted, in part, in fragmented, inaccessible, inappropriate and/or non-existent consumer services.

Invisible Population:

Historically, the deaf and hard of hearing have been encouraged to minimize the impact of their hearing loss. A deaf person or person with hearing loss will often deny the realistic implications of their loss. As a result of this minization and denial, many consumers are unable to effectively advocate for themselves or reach their highest potential.

Particularly when a consumer has good speech, their need for adaptive equipment or interpreting services is viewed with skepticism. They will frequently be asked to explain and justify the need for the vital accommodations requested. Even when a consumer has mastered the skills of self-advocacy and is knowledgeable about their rights with regard to accessibility, this accommodation process is unnecessarily difficult.

Different from Other Disabilities:

The deaf often regard themselves as a cultural and linguistic minority. Their non-verbal form of communication (i.e., sign language) has resulted in the inability to communicate effectively with the hearing majority.

Unfortunately, the deaf and hard of hearing have been "left behind" in the advocacy movements which have served to empower other disability groups. This is often the result of consumers being spectators instead of actual participants by virtue of the communication structure. As a result, their service needs often remain unsatisfied by general service plans for the disabled.

Many factors contribute an increasing consumer population including an ever-growing aging population, longer life-spans, illness, and increasing environmental noise. Despite continual efforts, measures to prevent hearing loss only affect a small percentage of the overall population.

Technological advancements have rapidly improved. Unfortunately, technology and adaptive aids at their best are limited in their effectiveness. For some, hearing aids and cochlear implant can be very helpful and for others they provide little benefit or mixed results. In addition, some technology that is currently available is not used to its full potential.

Cost-Effective Solutions:

It is beneficial to both consumers and taxpayers to have a cognizant resource such as the RICDHH involved in the planning, direction and coordination of services that affect the deaf and hard of hearing. The benefits of such involvement include more focused, cost-effective and comprehensive services.

One of the goals of the Commission is to provide a structure in which consumers can be more involved in the solutions to their difficulties. Empowering consumers to become more independent and active in their service needs can help to break the current reliance on unresponsive and ineffective services.

The overall RICDHH philosophy in this regard can best be described by analogy. The well-known Chinese proverb applies: "give me a fish and I will not be hungry today; teach me to fish and I will not be hungry tomorrow." Too often services to this population are the equivalent of handing to the fishing lessons that can break the cycle of dependency.

SECTION II – RICDHH

THE COMMISSION AT A GLANCE

The Rhode Island Commission on the Deaf and Hard of Hearing was established by Law (1977-Senate Bill 882) signed by Governor J. Joseph Garrahy on May 9, 1978 after the original bill was introduced in the 1977 Legislative session. The Commission is to address the needs and concerns of Rhode Island's Deaf and Hard of Hearing population. The name of the Commission was the Rhode Island Commission on the Deaf and Hearing Impaired with 21 Commissioners. In 1992, the bill, House Bill 8245, was introduced on February 12, 1992 to restructure the Commission, down from 21 Commissioners to 9 Commissioners and changed from "Hearing Impaired" to "Hard of Hearing". This bill was signed into law by Governor Bruce Sundlun on July 13, 1992.

Today, the Commission is governed by a thirteen (13) -member Commission, eleven members are appointed by the Governor for a term of two years each, and one representative appointed by the Speaker of the House and one senator appointed by the President of the Senate.

Daily operations include information and referral, interpreter referral service, assisting state agencies and nonprofit/public sectors in improving or becoming communication accessible, and providing case management to Deaf and Hard of Hearing consumers with individual problems and concerns.

The Commission maintains a website, www.cdhh.ri.gov.

The Commission has the budget of $368,807 for the Fiscal Year of 2009 (July 1, 2008 through June 30, 2009). The funding is entirely from the state appropriation. $30,000 for the Communication Access such as interpreters and CART service. $40,500 for the Emergency Interpreter Referral Service.

RICDHH VISION

To ensure that all Deaf and Hard of Hearing citizens appreciate the communication equivalent, opportunities, and human rights in all walks of their lives in Rhode Island.

RICDHH MISSION STATEMENT

To provide innovative leadership in public policy, advocacy, service delivery and accessibility throughout the Ocean State, RI CDHH ensures opportunities for every deaf and hard of hearing person to become an empowered and contributing citizen.

PURPOSE OF THE RICDHH

The Commission on the Deaf and Hard of Hearing, also called the Commission, is an advocating, coordinating, and service-providing entity committed to promoting an environment in which the deaf and hard of hearing in Rhode Island are afforded equal opportunity in all aspects of their lives.

TRI-VISION PHILOSOPHY

Since the restructuring commission in 1992, the RICDHH embraces the TRI-VISION philosophy. There is a vision that benefits all THREE groups, DEAF, HARD OF HEARING, and HEARING as to work through partnership in improving the quality of life for everyone. Implementation of Tri-Vision brings together the collective experience and skills of the deaf, hard of hearing, and hearing in a synergistic manner. The Tri-Vision philosophy encourages deaf, hard of hearing, and persons without hearing loss to work collaboratively in addressing areas of common interest and concern.

The RICDHH believes that those who cope with deafness and hearing loss are the experts on their situation and resultant service needs. By directly engaging those who experience such difficulties on a daily basis, consumers become part of the solution and more appropriate and permanent changes are likely to occur.

The TRI-VISION approach allow for a comprehensive analysis of issues and facilitates effective problem-solving. It has been the experience of the deaf and hard of hearing consumers that participating in a large group where their primary language and communication mode are the minority, adaptations allow them to be spectators and not necessarily active participants. This philosophy ensures that the deaf and hard of hearing have a more active role in making decisions about policies that affect their lives.

To effectively address the important issues of the deaf and hard of hearing, the expertise and experiences of these three groups offer:

- Bridge of experiences
- Combination of skills
- Understanding of solution implementations
- Understanding of political climates
- Consumer cultures
- Boundary spanners
- Understanding of challenges

IS THE RICDHH INDEPENDENT? WHAT DOES IT MEAN?

The Rhode Island Commission on the Deaf and Hard of Hearing is part of the Executive Department for any business related operating purpose such as payroll, purchases, and other "back office" supports. However, the RICDHH is entirely independent from any state agencies or departments such as creating a policy, decision-making, priorities, etc. conducted solely by the Commission itself. Therefore, the Commission is able to lobby for the enactment of legislations pertaining the deaf and/or hard of hearing issues. [RI General Laws, 23-1.8-2 (5)]

The Rhode Island Commission on the Deaf and Hard of Hearing is listed on the budget legislation as an independent agency annually.

RICDHH LEGISLATIVE MANDATES (RI GENERAL LAWS, 23-1.8-2)

Legislative Mandates

- **Provide networking among agencies and organizations.**
  CDHH promotes agency cooperation and coordination by networking with all entities that currently serve or have the potential to serve the needs of Deaf, Hard of Hearing, and other RI citizens with hearing loss.

- **Engage in advocacy to promote accessibility of services.**
  CDHH activelypromotes accessibility to employment, education, health, and other services by recommending action to remove barriers to services, providing technical assistance when requested, intervening as a knowledgeable party when access is denied, and encouraging effective self-advocacy on the part of the consumer.

- **Conduct an ongoing needs assessment.**
  CDHH understands and assesses the needs of the Deaf and Hard of Hearing population in order to identify service gaps and recommend improvements on an ongoing basis.

- **Promote awareness and provide information and referral.**
  CDHH provides general awareness of the unique issues of Deaf and Hard of Hearing people by promoting the positive and productive aspects of their lives, and to provide information specific to this populations, its culture and concerns.

- **Initiate and lobby for legislation.**
  CDHH initiates and lobbies for legislation benefiting Deaf and Hard of

Hearing people, and monitors related legislation at local, state and national levels in order to lobby for favorable outcomes.

- **Administer a sign language interpreter referral service.**
  CDHH provides the sign language interpreter referral service for the State of Rhode Island.

- **Work to improve the quality of life addressing: education, employment, health care, parenting issues a technology.**

  CDHH takes any other necessary action to improve the quality of life for Deaf, Hard of Hearing, and other RI citizens with hearing loss by addressing the unique needs of these populations in areas including, but not limited to, education, employment, health care, parenting and technology.

- **Develop a Statewide Coordinating Council which will coordinate the implementation of statewide strategic plan for Deaf/Hard of Hearing children in RI.**
  CDHH establishes a statewide Coordinating Council in collaboration with the Department of Education and other agencies to implement a comprehensive strategic plan to promote the education and well-being of RI children who are Deaf or have a hearing loss.

- **Track the yearly service rendered by the non-licensed interpreters.**
  CDHH tracks and monitors the number of hours allowed by the non-licensed interpreters. New RI General Law that was added after the Legislative 2006 session allows the interpreters to work in Rhode Island without a license for a maximum of 25 hours a year. The interpreters are still required to be certified recognized by the Board of the Interpreter with the Department of Health.

RICDHH SERVICES AND PROGRAMS

- **Statewide Sign Language Interpreter Referral Service**

  Emergency and non-emergency interpreter referrals are available for a variety of settings that require communication access.

- **Resource Library**

  Lending Library has over 550 videos, DVDs, books, magazines, newspapers,

and more about hearing loss. These items can be borrowed for up to 2 weeks at no cost.

- **Information and Referral**

  RI CDHH is a clearinghouse for information and referrals on various issues related to hearing loss. Research, articles, fact sheets and resource lists related to deaf and hard of hearing are available by request.

- **Communication and Technology Access Resources**

  Assistive devices are available for the RI residents to borrow including audio loops, FM systems, TTY's, Portable Infoloop, Videophones, and more.
  These items can be borrowed for short term at no cost. RI CDHH office has the communication booth that offers public video relay service work station, VCO and TTY equipment and internet access for consumers use.

- **Awareness and Outreach**

  RI CDHH provides consulting, trainings, workshops, presentations, and exhibits. RI CDHH raises awareness on deaf and hard of hearing related issues through community partnerships. RI CDHH maintains an informational web site, publish a quarterly newsletter, and conduct forums and town hall meetings throughout the state of Rhode Island.

- **Advocacy**

  RI CDHH writes, lobbies, and proposes the legislative bills through the General Assembly and general policies posted by authorities. RI CDHH ensures that the activities and information at the State House are accessible to deaf and hard of hearing people in RI. RI CDHH monitors the compliances of American with Disabilities and Section 503 of the Rehab Act of 1973 as well as other relevant federal, state, and local laws in various settings and proposes recommendations for better and effective environment. RI CDHH through partnership with various resources and agencies on legal matters to ensure communication equality.

RICDHH GOALS

RICDHH's long-term goals:

1) Establish a one-stop center.
2) Facilitate opportunities for the development of a nursing home.

RICDHH's short-term goals:

1) Providing specialized and awareness trainings for police and fire departments
2) Enhancing the quality of communication access
3) Enhancing educational opportunities for deaf and hard of hearing youths and children
4) Providing Deafblind services in Rhode Island
5) Expanding and enhancing employment opportunities for deaf and hard of hearing

DETAILED GOALS

RICDHH long-term goals:

1) **Establish a one-stop center**, which will provide the variety of services to the deaf and hard of hearing people directly at the same site. The center is also able to provide educational trainings and sessions and hosts the variety of social and leadership/empowerment activities. The center shall be totally accessible for the deaf and hard of hearing people including visual and effective communications.

2) **Facilitate opportunities for the development of a nursing home** that is fully accessible for the deaf and hard of hearing by ensuring that the facility or placement is appropriate and is in the deaf-friendly environment where it has visual communications in place, all staff members are fluent and/or trained in communicating with deaf and hard of hearing, and providing appropriate service supports. This is done by convening the key state, private, and nonprofit players to dialogue on an ideal nursing home and conducting state agency research to document the need for such an entity.

RICDHH short-term goals:

1) **Providing specialized and awareness trainings for police and fire departments** throughout Rhode Island as well as EMT, FEMA/RIEMA, 911 center, and employers.

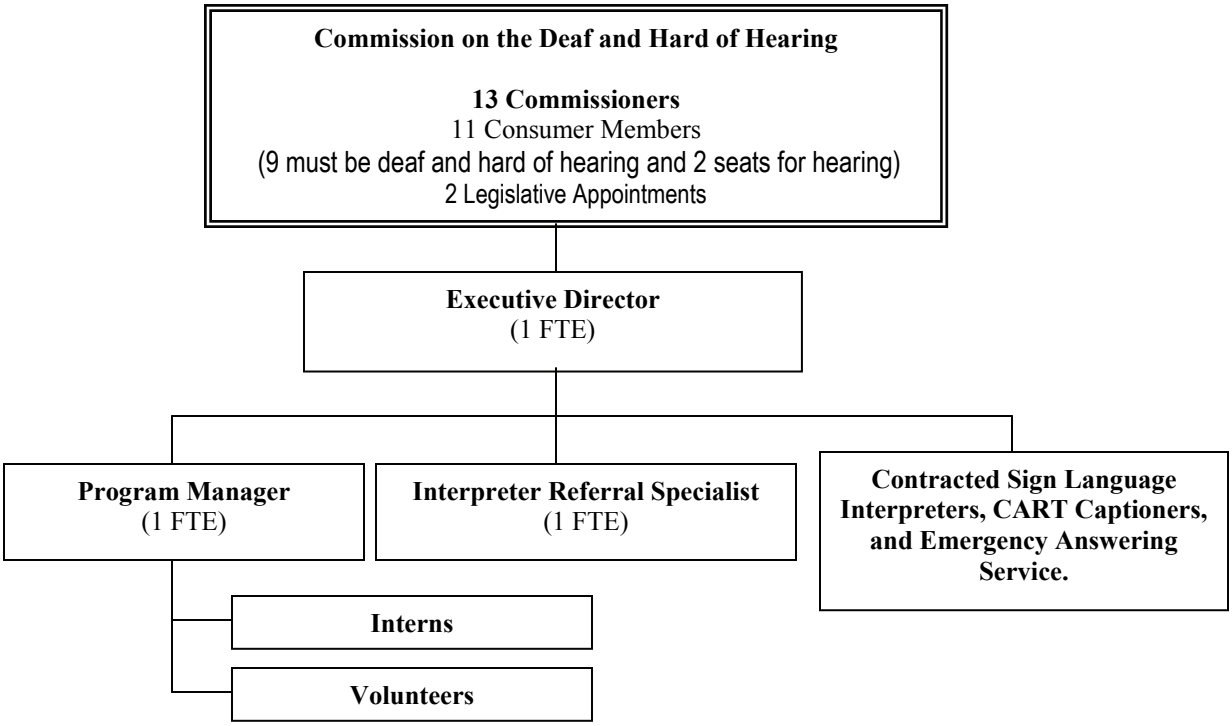
2) **Enhancing the quality of communication access** by increasing advocacy effort to ensure that announcements at the public places be visible to the deaf and hard of hearing, activities/presentation given by the state government officials be accessible to deaf and hard of hearing, medical service providers like hospitals and doctor's offices be accessible to deaf and hard of hearing and many more.

3) **Enhancing educational opportunities for deaf and hard of hearing youths and children** by collaborating with the Rhode Island Dept of Education to ensure the effective implementation of the strategic plan and enforce it; providing quality assurance on educational interpreters; and ensure that all programs abide the federal and state laws pertaining to the education for youth and children.

4) **Providing Deafblind services in Rhode Island** by collaborating with the state agencies, private, and non profit sectors to ensure that deafblind live independently with appropriate support services such as Support Service Providers, visual services, survey information to identify who are deafblind and how many.

5) **Expanding and enhancing employment opportunities for deaf and hard of hearing** by coordinating with state agencies and private and nonprofit job search centers to be more accessible to deaf and hard of hearing when job positions are available. Educating employment agencies and libraries about these opportunities for deaf and hard of hearing. Ensuring that all state job positions is sent to RICDHH for distribution.

RICDHH ORGANIZATIONAL CHART



COMMISSION COMPOSITION

Appointing authority: Governor of Rhode Island

Term: 2 years (RI General Laws, 23-1.8-1)

Number of Commissioners: 13

Compensation: The Commissioners shall not be paid for their services, except for reimbursement of expenses incurred by their service.

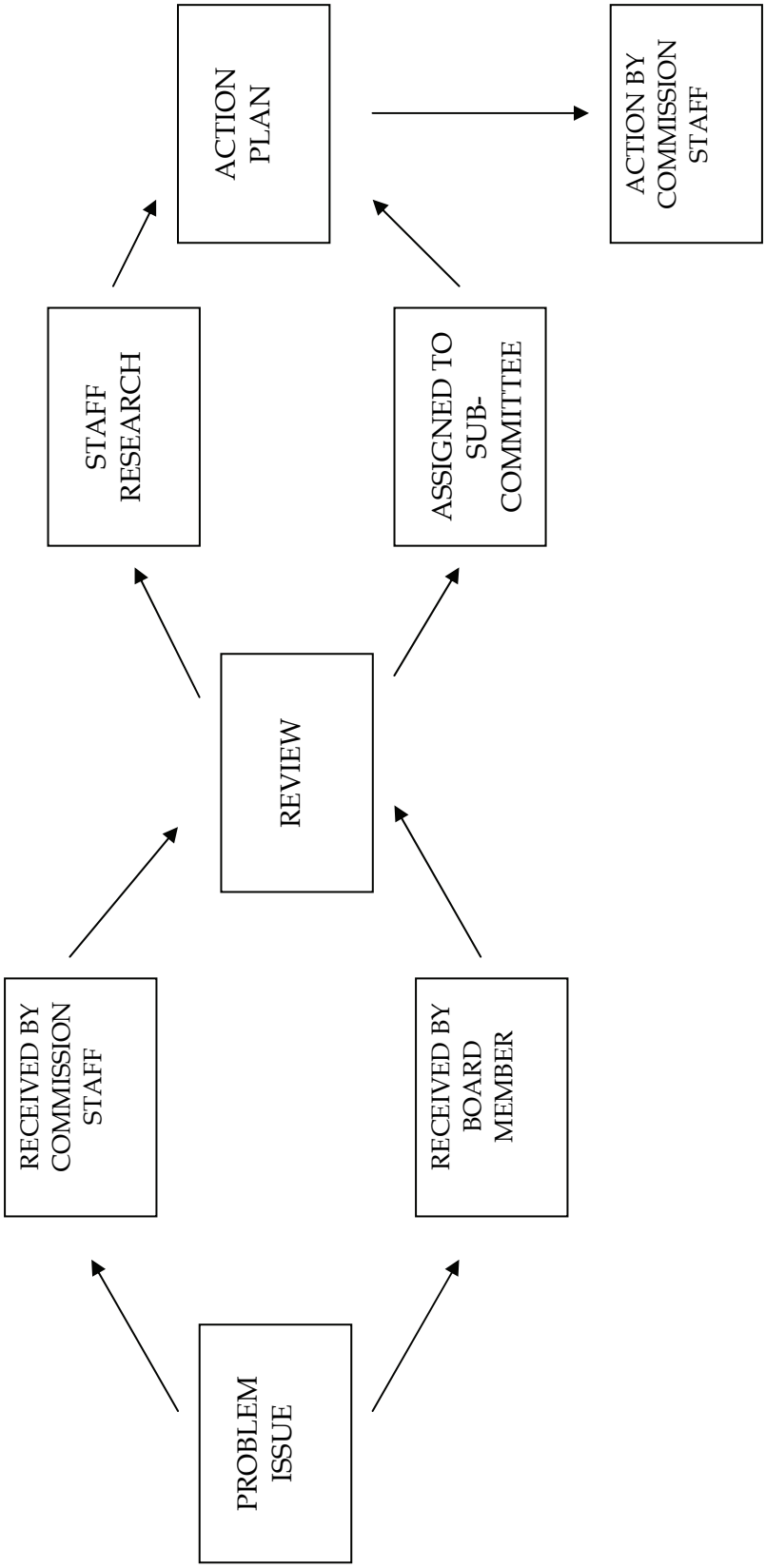
Composition: The Commission shall consist of eleven (11) members appointed by the Governor.

Of these 11 members:

- Five (5) members who are Deaf who use American Sign Language.
- Three (3) members who are Hard of Hearing.
- One (1) member who is deaf who does not use American Sign Language.
- Two (2) members who are hearing.

Quorum: 5 Commissioners constitute quorum.

Commission Operational Chart



COMMISSION POLICY AND BY-LAWS

Commission members and Commission staff—including the Executive Director—come and go, but Commission policy and by-laws last.

A policy manual:

- Provides consistency and fosters stability.
- Provides guidance for Commission members and the Executive Director.
- Legitimize Commission actions.
- Allows the Commission to operate efficiently.
- Provides the basis for a legal record.

SECTION III – COMMISSIONER

COMMITMENT TO SERVE

As a Commission member, I am committed to:

Serving the needs of people. The Commission exists to serve the Deaf and the Hard of Hearing people of Rhode Island, and its success is measured in the quality of service delivered to them. The Commission's energy should be focused on fulfilling the needs of these people.

Providing budget planning for our organization. A Commission member helps assure the financial integrity of the Commission by approving an annual budget and monitoring finances.

Providing resources and expertise to the organization. Commission members are asked to serve on the Commission because of their talents, special skills, and interests. Commission members personally provide a great deal of assistance by volunteering their talents and skills, or by providing links and encouragement.

Giving my time and energy. When you give your time, you are investing in the people the Commission serves. The time you give for Commission meetings, committee meetings, and special events is critical.

Respecting the vote. It is vitally important that the minority viewpoint be given a full hearing. It is equally important that the majority rule prevails, and that each Commission member in the minority accepts the decision once a vote is recorded.

Making this a dynamic Commission. Knowing what you are expected to do and how it relates to others you work with is very important. Doing what you are expected to do is altogether different and a Commission member should not only strive to maintain the seat but to also expand and enhance the Commission.

Consequently, I shall:

- Attend Commission meetings and organizational functions as expected.
- Leave vested/financial interests in particular programs outside Commission meetings.

- Use discretion while addressing constituents on issues that have not been sanctioned by the Commission and shall distinguish for all audiences' remarks that are not representative of the RICDHH.
- Give full support of skills and resources to the Commission.
- Serve on committees.
- Remain informed about the needs of the Deaf and the Hard of Hearing.
- Strictly adhere to the Commission's standing rules and policies.
- Actively promote the Commission through professional contacts.
- Provide the Commission staff with contacts.
- Appear in media and in the public to promote Commission activities.
- Work with the State Legislature to advocate Commission positions.
- Do my best to observe legislative hearings and sub-committee meetings on Matters concerning the Commission.
- Want to improve the quality of life for Deaf and Hard of Hearing people in Rhode Island.

CODE OF ETHICS

RI General Law, 36-14, Code of Ethics, concern financial conflicts of interest of public officers and employees and it is the Commission member's continuing responsibility to observe and apply the provisions of these laws. The following policy can help the Commission avoid situations that can damage the public's trust in the Commission.

Business or professional interests. Commission members have outside business and professional interests. Commission members, however, may not make a financial profit in any way in their outside employment or business interests from their service on the Commission. Commission members shall disclose any financial conflict of interest involving an issue before the Commission. While they may participate in discussion of the issue, they shall not vote on issues they stand to benefit from financially.

Gifts, gratuities. Commission members will not accept gifts, gratuities, trips, personal property, or other items of value from an outside person or organization as an inducement to vote a certain way, do business a certain way, or provide certain services.

Abuse of the Commission office. Commission members should not abuse their office by using the Commission's staff, services, equipment, or property for their personal or family gain.

RI General Law, 36-14:

Who is Covered:

- Individual appointed (volunteer)
- Staff (paid)
- Related to appointee or staff
  - Spouse
  - Children
  - Business associate
  - Business

NOTE:

- Code is in effect for 1 year after leaving (revolving door policy)

- Must file Ethics Commission Financial Discloser Statement every April

What is Unethical?

- Accepting other related employment
  - Affects your decisions
  - Requires use of confidential information
- Disclosing confidential information
- Using position for monetary gain for yourself, your family, your business
  - Ethics Law can not be use to put volunteer at financial disadvantage
  - Cannot limit member participation without Advisory Opinion
- Working out deals for votes or influence
  - Gifts, rewards, loans
  - Future employment

Conflict of Interest

If on the RICDHH or Committee and must refrain from discussion or vote, must file a Statement of Conflict of Interest

- Describes nature of conflict to Ethics Commission
- Ethics Commission rules in the form of Advisory Opinion
- Must complete before taking action of refraining from action.

FUNCTIONS OF THE COMMISSION

The job of a Commission is usually defined as the body of Governor-appointed individuals who become the **policymakers in a specific area of policy.** The Commission Board establishes policies that direct the staff to take a course of action to meet the agency mission. The Commission functions within the parameters of these policies.

The Commission Board oversees Commission goals and programs, and observes and evaluates how the Executive Director implements policies and carries out the Commission's vision and mission.

POLICY-MAKING: COMMISSION OR MANAGEMENT

Setting policy is very different from managing the organization

Commission policies answer the big-picture questions of what the Commission will do. The Executive Director implements the Commission's policies and determines how to carry out such policies.

An example: Approving the Commission's annual budget is a Commission policy decision: ***a Commissioner's responsibility****. Spending within that Commission-approved budget is* ***the Executive Director's job****. By examining financial reports and the annual audit, the Commission monitors the implementation of the budget.*

How do you identify which member of the Commission should manage an issue, the Commission or the Executive Director?

The issue of personnel management causes more headaches and heartaches in the Commission and Executive Director relationship than any other. It should not be that way, because managing Commission staff is **the Executive Director's job**. But if a staff member complains to several Commission members about being unfairly disciplined, should you get involved?

First, determine if the issue is really a Commission issue or something the Executive Director should handle.

Commissioners handle issues that:

- Affect the entire Commission. (The Executive Director handles issues that affect individuals.)

- Dictate what the Commission will do—policy matters that are not established by the state. (The Executive Director and staff determine how a policy is implemented.)
- Are required by law.
- Are requested by the Executive Director.

If it is a policy issue, the Commissioners should ask the **Executive Director** to research the issue, then make recommendations to the Commission. Finally, the Commission

COMMISSIONER—JOB DESCRIPTION

Title: Commissioner, Rhode Island Commission on the Deaf and Hard of Hearing

Reports to: RICDHH Chairperson

Purpose: To serve the Commission as a voting member to assist in policy-making, and to monitor the finances, programs, and performance of the organization.

Term: Two years

Expected Meeting Attendance

- Attend all scheduled meetings
- Attend meetings of committees served on
- Attend Commission seminars, planning sessions, and development workshops
- Attend and participate in special events

Obligations of the Commissioners

- Make annual recommendations to the Rhode Island General Assembly (as deemed necessary)
- Have the authorization for the hiring, firing, and annual performance review of the Executive Director
- Establish RICDHH policy, duties, and regulations
- Help with financial planning
- Maintain, update, and monitor strategic plans

Specific Duties

- Attend meetings, participate, and show commitment to Commission activities

- Be well-informed and prepared for meetings
- Contribute skills, knowledge, and experience when appropriate
- Listen respectfully to other viewpoints
- Assume leadership roles in all Commission activities
- Represent the Commission to the public, businesses, and to the community
- Educate yourself about the needs of the Deaf, Hard of Hearing, Late-Deafened, and Deaf-Blind constituents
- Evaluate the Executive Director

PROCEDURES ON THE ELECTION OF OFFICERS

Last Approved Revisions on 02-16-2011

1. Definitions. A "Year" means fiscal year: the twelve (12) months from July first (1st) to June thirtieth (30th). A "Term" means the twenty-four (24) months from July first (1st) to June thirtieth (30th).

2. The Commission and the Committees shall annually elect their own officers in the first quarter of the fiscal year. Elections shall be conducted annually.

3. Officers listed by Authority:

   - Chair Person
   - Vice Chair Person
   - Treasurer / Assistant Treasurer
   - Secretary / Assistant Secretary

4. The Commission shall develop a Mentoring training program for teaching and developing Commissioners, to learn the duties and the responsibilities of becoming an officer.

5. The nomination process for officers shall begin in the June meeting, upon the conclusion of interviewing and recommending Commissioners applying for a new term:

   1. A Commissioner who has completed a minimum of one fiscal year upon the date of election may apply for any Officer's position, by completing and submitting a "Candidate for Officer" form. All "Candidate for Officer" forms shall be submitted to the Executive Committee, by seven (7) days prior to the election. In the event there are no candidates for each officer's position, the Executive Committee shall encourage the Commissioners to volunteer.

6. The election process for officers shall occur in the first quarter of the fiscal year. The election protocol and eligibility is outlined below and shall be followed:

    1. The four (4) officers shall comprise the Executive Committee. The Executive Committee shall conduct and administer the election. A minimum quorum of five (5) Commissioners shall be present for the election.

    2. The Chair Person shall call a meeting of the Executive Committee with in even days prior to the election, to establish the ballot for the officers. A listing of the candidates for each officer's position shall then be distributed to the Commissioner.

    3. At the election, in open session and prior to voting, each candidate may make a brief statement, as to their qualifications, and reasons for seeking the officer position. Commissioners may ask questions at their discretion.

    4. The Commission shall discuss the qualifications of each candidate, in order of the officers (i.e., Chair, Vice Chair, Treasurer and Secretary). Each candidate will be asked to have the discussion of his or her candidacy either in open or closed session. Should one candidate select closed session, all other candidates must be in closed session, according to the advice from the Rhode Island Office of the Attorney General*. If all candidates are in closed session, candidates for the same seat may not be present for each other's discussion.

        a. Any family member of the candidate shall recuse themselves from the closed session and may be present only if the discussion is in open session; however, he or she will still be excused from participating in the discussion.

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    5. The Commission must be in open session for the election. A ballot with all of the candidates listed for each office will be passed to each Commissioner. The Commissioners shall, record their name and signature and one (1) vote for each officer, on the ballot. Each candidate shall be permitted to vote for themselves. A family member shall recuse themselves from voting for another family member, and does not have to vote for another Commissioner, for the same position. A simple majority will determine the elected officers. Three (3) current officers shall count the ballots and determine the results.

    6. In the event of a tie for an officer's position, the Commission shall again adjourn to a closed session for further discussion on the candidates'

qualifications. The commission shall return to open session and vote again by ballot for the tied position. In the event of a second tie for the officer's position, the Commissioner with the longest amount of service shall be deemed the elected officer.

7. A record of each vote and how each member voted shall be obtained from the ballots, and shall then be announced and recorded in the minutes.

8. The elected officers assume their positions upon the conclusion of the meeting.

9. If at any time the Chair vacates the position, the Vice-Chair shall assume the Chair for the remainder of the fiscal year. The Treasurer shall assume the position of the Vice-Chair for the remainder of the fiscal year. There shall be an immediate special election to fill the position of the Treasurer for the remainder of the fiscal year.

10. If at any time the Vice-Chair vacates the position, the Treasurer shall assume the Vice-Chair for the remainder of the fiscal year. There shall be an immediate special election to fill the position of Treasurer for the remainder of the fiscal year.

11. If at any time the Chair and Vice-Chair vacates the position, the Treasurer shall assume the position of the Chair for the remainder of the fiscal year. There shall be an immediate special election to fill the positions of the Vice-Chair and Treasurer for the remainder of the fiscal year.

12. If at any time the Treasurer vacates the position, there shall be an immediate special election to fill the position of the Treasurer for the remainder of the fiscal year.

13. If at any time the Secretary vacates the position, there shall be an immediate special election to fill the position of the Secretary for the remainder of the fiscal year.

14. Should a Vice-Chair or Treasurer unwilling/unable to fill a higher level position, there shall be an immediate special election only for the vacant seats, for the remainder of the fiscal year.

15. Sample Ballot (Next Page)

RI – CDHH Ballot for Election of Officers Date of Election: _____

(Vote for only one Officer per Position - X)

Commissioner Name: _____

Position	☑	Candidate name	☑	Candidate Name	☑	Candidate Name
Chairperson:						
Vice Chair-person:						
Treasurer:						
Assistant Treasurer:						
Secretary:						
Assistant Secretary:						

Commissioner Signature: _____

DUTIES

All Commissioners

- Attend regularly scheduled Commission meetings to achieve quorum
- Attend specially scheduled Commission meetings to achieve quorum
- Be aware of the needs of the constituents that you are representing
- Represent your constituency to the best of your ability
- Determine the need for committees based on issues to be resolved
- Participate in committees
- Serve two-year terms or as dictated by law
- Elect their officers in the 1st Quarter of the calendar year.

Chairperson

- Preside over all Board meetings, following parliamentary procedure
- Call meetings to order (business meetings, town hall meetings, executive sessions, and any other special session
- Delegate meeting responsibility to the Vice-Chair, or if the Vice-Chair is unable to accept, then to another Commissioner
- Establish the agenda for all Commission meetings

- Vote only in the event of a tie vote
- Maintain communications with all Commission members
- Maintain communications with the Executive Director
- Oversee any evaluation by the Commission of the Executive Director
- Assume all duties of the Chair set forth herein and any other policies approved by the Board
- Serve on all committees.
- Serve as a spokeperson for the Commission.

Vice-Chairperson

- Assume all duties of the Chairperson in the absence of the Chairperson
- Assume all duties of the Vice-Chairperson set forth herein and any other policies approved by the Commission

Secretary

- Signs the minutes and the other official documents of the RICDHH
- Serves as Acting Chairperson in the absence of the Chairperson and Vice Chairperson from a Commission meeting or until such time the Commission elects a new Chairperson to fill the remainder term in case of a vacancy
- Assumes the position of Vice Chairperson whenever the Chairperson is replaced by the Vice Chairperson

Assistant Secretary

- Assume all duties of the Secretary in the absence of the Secretary

Treasurer

- Review the monthly budget report, actual vs. budget.
- Work with the Executive Director to develop the budget request.
- Recommend the Commission to approval budget proposals.

Assistant Treasurer

- Assist the Treasurer on budget, financial issues, or any issues that are impacted by funding.

EXECUTIVE COMMITTEE

The Executive Committee consists all elected officers, Chairperson, Vice-Chairperson, Secretary, and Treasurer.

They are the appointing authority to sign off any out-of-state travel and payroll for the Executive Director. They have the same authority privilege as the Executive Director for any purchases, payrolls of the Commission staff, and legal documents in case of absence of Executive Director.

The Chairperson can call for the Executive Committee meeting if necessary as long as it is in accordance with the Open Meeting Act, RI General Law 42-46.

GENERAL RESPONSIBILITIES

1. **The Commissioners makes recommendations to hire, supervise, evaluate, and, if necessary, terminate the Executive Director.** The Commission's first responsibility, and maybe the most important one, is to find a competent administrator to run the organization by managing all aspects of its day-to-day affairs.

   Most Commissioners do not have the time to manage the day-to-day business of the Commission. By supporting a professional who keeps things running smoothly, you ensure that the organization is well managed and in a position to fulfill its vision and mission.

2. **The Commissioners are responsible for the Commission's future.** Strategic planning is a key Commissioner responsibility. Social, regulatory, and economic changes mean that the Commissioners must anticipate and plan for what the future will bring.

   Once the Commission approves a strategic plan for the Commission, it should monitor the progress the Executive Director makes toward meeting the plan's goals and objectives. Short-term operational planning is necessary to achieve your plan, and this is the administrator's responsibility.

3. **The Commissioners monitor and evaluate.** You should monitor the Commission's performance in two key areas: (1) financial health and (2) progress toward the Commission's strategic, long-range plan. Commissioners must monitor and evaluate bottom-line results.

4. **The Commission serves as an advocate.** You are in a unique position to advocate. You're not being paid for your service, and you have a higher motive: service to the community at large. This gives you credibility, which is the key to any advocate's success. As an advocate, you might lobby state and federal lawmakers and funding sources, or communicate the Commission's goals to constituents and the community.

OVERVIEW OF FINANCIAL MANAGEMENT

1. **You set financial policy** based on the goals set during commission planning sessions, input from the Executive Director and using examples from prior year budgets. Using this information you can determine the areas of Commission spending.

2. **You help develop and approve the annual budget.** Your budget is the financial Blueprint for the Commission, based on the Commission's broad financial policies. You must make sure there is enough money in the budget to deliver services and meet your goals and objectives for the coming year.

3. **You delegate implementation of financial policies to the Executive Director.** It's the Executive Director's responsibility to make all spending decisions within budget limits.

4. **You monitor financial outcomes.** Commission members have always been haunted by financial worries. "Is spending being done appropriately? Will there be enough money to meet our obligations?"

It's tempting to open up the books and scrutinize the details, but this is not within the scope of the budget committee. Your responsibility is to monitor overall results. Instead of looking at individual purchases, look at the overall information and ask questions such as:

- Are we on target with our planned expenses and revenues?
- Are we within budget and are we financially solvent?
- Will we have sufficient income to meet future expenses?

FINANCIAL RESPONSIBILITIES

You don't need to be a CPA, banker, or financial wizard by trade, but you are wondering how you will be able to understand complicated funding streams and financial statements. The commission has an Executive Director, whose responsibility is to ensure that all spending is accounted for and who will present this information to you.

Your financial responsibility to the Commission is simply this: ***To oversee and monitor the financial health of the organization.***

DEFINE BUDGET COMMITTEE

The Treasurer shall be the chair of the budget committee, the Executive Director is an ex-officio of this committee, at least 1 members of the commissioners shall serve on the budget committee.

Their responsibilities are as follows:

1) To make sure that our planned expenditures and actual expenditures are in balance.

2) To recommend the budget submission for next Fiscal Year prior to the Commissioners' approval.

3) To meet to review the budget analysis on a quarterly basis.

KNOW THE FINANCIAL FIGURES YOU NEED TO SEE

1. **A basic financial statement.** This should summarize revenues and expenses in a way that provides a good idea of the Commission's financial standing. This should consist of a spreadsheet prepared by the Executive Director and be accompanied by the actual department financial statement for verification. These documents should include financial information provided by the department so that the budget committee can verify that the financial information matches. If there are additional entries which still need to be made by the accounting department, this documentation should also be included.

2. **Bottom-line figures.** Rather than line-by-line explanations, ask the Executive Director to highlight bottom-line figures in the basic financial statement. Ask for explanations of larger than expected expenditures or extraordinary expenditures. Concentrate on total expenditures and revenues.

3. **Historical figures for comparison.** This will put the numbers into context for you. You would want to review the financial figures and compare them to previous months as well as the numbers from the same time last year. If the numbers are very different from what the Commission expects, start asking questions.

STRATEGIC PLANNING

The current condition of the Commission depends on how well its previous members have planned. The future also depends on how well your Commission plans.

To plan for the Commission's future, every Commissioner should ask three planning questions:

- What kind of future are we going to give the Commission?
- How can we plan for a healthy future?
- How can we anticipate problems before they happen?

A plan tells the Executive Director what areas to focus Commission actions on. To start the planning process, start with these four steps:

1. **Review the Commission's history.** The plan must be consistent with its' mission and respect its past actions.

2. **Do a survey to find the Commission's strengths and weaknesses.** In what areas is the Commission doing well? Not so well? Consider issues such as mission, staffing, facilities, programs, public image, and funding.

3. **Assess external conditions and obstacles to success/growth.** Examine current demographics, social or cultural trends, new legislation, new leadership at any level, economic trends, funding patterns, and new developments concerning the constituents who are Deaf, Hard of Hearing, Late-Deafened, and Deaf-Blind.

4. **Solicit community input.** Prioritize Commission business through learning what the people want. Give all stakeholders the opportunity to weigh in their opinions as you chart the Commission's strategic direction.

PERFORMANCE MANAGEMENT/EVALUATION

The Executive Director position is evaluated by the Director of Board and Commission with the Commission once a year.

RISK MANAGEMENT

As a Commissioner, your obligation is to act in good faith and in the best interests of the organization. You should know whether your Commission's policies are up-to-date and in compliance with non-discrimination and employment laws.

Here are a few rules for managing your liability as a Commissioner*:

Attend meetings and pay attention. Be an active participant. Liability comes from negligence or not doing the job as it should be done. That's why your meeting attendance is crucial. You can be held responsible for Commission actions taken even in your absence.

- Keep minutes for all Commission meetings.
- Review meeting minutes for accuracy and register—in writing—any disagreements.
- Keep minutes for all committee meetings as well.
- Pay attention to financial reports.
- Be sure that you have accurate and correct information, and understand issues before making decisions.

Know and follow your policies and governing documents. The Commission should have two sets of policies—one governing the Commission and its operations and the other providing direction for the Commission. Failure to abide by Commission policy or applying it inconsistently are common sources of litigation.

- Review Commission policies each year and update them to reflect new laws.
- Be sure that meetings are announced, that meetings are held regularly, and that Commissioners are appointed properly.

Know the laws that apply to the Commission. Many state and federal equal employment regulations affect Commission personnel policies, especially those that relate to staff hiring and firing, family and medical leave, and accommodations for the disabled. State and federal laws also limit lobbying and political activity by the Commission. Take the time to review and understand these limitations.
Review the Executive Director's performance each year. That's how you can help determine howwell the organization is meeting its mission.

Avoid financial conflicts of interest. Commission members who benefit financially from a Commission decision should be able to provide support that the decision was made in good faith.

Request counsel when necessary. Seek an attorney's opinion for questions of law. Use auditors, accountants, and other professionals to make sure your Commission is making good decisions. Ask the Commission's attorney to discuss Commission liability with the Commission.

PUBLIC REPRESENTATION OF THE COMMISSION

All representations made to the Rhode Island General Assembly, city municipalities, and the U.S. Congress by Commissioners must be either an approved position of the Commission or clearly identified as personal opinion.

A. It is the responsibility of the Executive Director to inform the Commission, in a timely manner and in writing, of legislation, rules or regulations promulgated by the General Assembly, the Governor, or any state agency or entity affecting issues of concern to Deaf and Hard of Hearing persons.

B. The Executive Director and Commissioners, when asked by such political entities and elected officials, shall express only the position of the Commission on issues where the Commission has, by a vote in open meeting, taken a position on these particular issues.

- All Commission members, when offering personal opinions, will mention whether the Commission has taken a formal position of the particular issue or not.
- All Commission staff, when offering personal opinions, will give the Commission's position on the same occasion.
- It shall be the responsibility of the Executive Director to provide the Commission with copies of personal opinions written by Commission members and delivered to any officials or appointed staff.

C. As a State Agency, this policy does not prohibit the Executive Director and Commission staff from providing information, data, and other resource materials to members of the public and governmental offices.

D. The Executive Director will issue to Commission members any and all printed information regarding newly introduced bills and provide copies of the bills before the State Legislature and other governmental bodies, including the U.S. Congress, that address issues of concern in the Deaf and Hard of Hearing community immediately.

RELATIONSHIP WITH THE RI COMMUNITY

The RICDHH is deeply committed with the Tri-Vision approach by fostering a strong relationship with the community through education, services, volunteer, program, and partnership.

- Rhode Island Association of the Deaf
- Hearing Loss Association of Rhode Island
- Rhode Island Chapter of the Alexander G. Bell Association for the Deaf and Hard of Hearing

- Cochlear Implant Group
- Alumni Association of Rhode Island School for the Deaf
- Alpha & Omega Assembly of God
- Deaf Senior Citizens
- Deaf Dimensions, Inc.
- Providence Club of the Deaf
- Apostolate for the Deaf and Hard of Hearing
- Rhode Island Registry of Interpreters for the Deaf
- The Corliss Institute
- Rhode Island School for the Deaf including students, teachers, and administration.
- And many more.

"The CDHH is blessed with, and cursed by, a strong relationship with the community it attempts to serve."

Quoted by Dr. Beth Wilson, March 24, 2001.
(CDHI Chair from 1984-1990, CDHH chair from 1992-1997 and 1999-2001)

LOBBYING LEGISLATIONS FOR THE RICDHH

The members and staff of the Commission are allowed to lobby the legislations as long as it is related to the Deaf and Hard of Hearing issues. [RI General Law, 23-1.8-2(5)]

At the hearing, only ONE representative from the RICDHH approved by the Commissioners or the Executive Committee may testify on behalf of the RICDHH on each bill.

If other member of the Commission wishes to testify, they may do so by signing up representing "self" as a Rhode Island resident, not representing the Commission. They also need to write a personal letter with no organization letter head.

LEAVING A LEGACY

When you join the Commission, you are in a position to make a mark on the Deaf and Hard of Hearing community.

Your aim should be to leave the Commission in a better position than it was when you started. That is your measure as a Commissioner, and the Commission and the public should be the better for your time on the Commission.

SECTION IV – EXECUTIVE DIRECTOR

EXECUTIVE DIRECTOR GENERAL POSITION DESCRIPTION

1. **Fulfills Statutory Responsibilities.** Acts as the chief executive officer of the Commission in carrying out its statutory responsibilities as the statewide coordinating agency in advocating, strengthening, and implementing RICDHH and state policies affecting Deaf and Hard of Hearing individuals, and their relationship to entities in all sectors.

2. **Performs Strategic and Vision Planning.** Carries out the appropriate directives of the Commission. Designs, develops, implements and monitors Commission projects and programs. Develops effective monitoring and evaluation procedures for new and ongoing programs. Directs strategic plans; conducts special studies; evaluates agency programs, resource management, and budget control.

3. **Represents the Commission in Public.** Represents the Commission when speaking to public and professional groups about the goals and activities of the Commission as well as issues related to deafness and hearing loss. Represents the Commission at legislative hearings. Meets with personnel from the Office of the Attorney General. Responds to inquires from the press, General Assembly, Governor's Office, and members of the public.

4. **Oversees Finances.** Prepares and controls the Commission's annual budget; Prepares funding proposals; prepares financial statements and submits financial reports to the Commission. Has signature authority for all financial documents.

5. **Produces Reports.** Produces annual reports and proposals to the Governor and General Assembly on programs and progress; attends legislative sessions and speaks on behalf of the Commission and makes recommendations on funding and program concerns.

6. **Prepares for and Attends Commission Town Hall Meetings.** Directs staff support and coordinates necessary follow-up procedures and documentations. Reviews complaints from the community and directs referrals to the appropriate agency.

7. **Provides the Community with Resources.** Encourages and assists with research as provided for . Approves outreach efforts. Acts as a consultant to City, County, and State agencies, private sectors, and non-profit sectors on Deaf

and Hard of Hearing issues. Acts as an expert witness on matters involving the Deaf, Hard of Hearing, Late-Deafened, and Deaf-Blind issues.

8. **Determines Personnel.** Supervises, hires, trains, and evaluates staff and assigns job tasks. Determines and provides appropriate educational opportunities for the staff.

WHY WORK WITH THE EXECUTIVE DIRECTOR?

The Executive Director is a vital team member of the Commission and should be treated accordingly. This means the Executive Director should participate in all Commission discussions and activities. The Executive Director, however, is a non-voting member.

EXPECTATIONS FROM BOTH SIDES

What should the Executive Director expect of Commission members?

- Open and honest communication.
- Provide counsel, advice, expertise, and insight into the local community.
- Delegate responsibility for the implementation of policies to the Executive Director.
- Refrain from managing administrative functions.
- Understand Commission staff responsibilities.
- Respect Commission's staff hierarchy.
- Support the Executive Director.
- Annually review the Executive Director's performance.
- Initiate strategic planning for the Commission's future.

What should the Commission members expect of the Executive Director?

- Open and honest communication.
- Act as the Commission's professional advisor.
- Interpret needs of the programs.
- Recommend appropriate policies for Commission consideration.
- Implement Commission policies.
- Develop a budget and keep the Commission informed on finances.
- Recruit competent personnel, and develop and supervise them.
- Be a visible presence in the community.
- Provide the Commission with professional judgment on strategic planning.

WHO IS RESPONSIBLE FOR WHAT?

Area	Commission Role	Executive Director Role
Long-term goals (longer than a year)	Approves	Recommends and provides input
Short-term goals (less than a year)	Monitors	Establishes and implements
Day-to-day operations	No role	Makes all decisions
Budget	Approves and monitors	Develops and implements
Hiring of staff	Hire Executive Director and approve the recommendation of ED on hiring other staffing positions	Recommends the hiring of staff
Staff assignments	No role	Decides tasks
Firing of staff	Only Executive Director but no role on staff	Makes final termination decisions after reviewing situation with Chair and Vice Chair (and final approval by the Commission)
Staff grievances	No role	Grievances stop with the administrator
Personnel policies	No role	Administrator
Staff salaries	No role	No role. Dealing with the Office of Personnel Administration if necessary.
Staff evaluations	Evaluates only Executive Director	Evaluates staff

REVIEW THE EXECUTIVE DIRECTOR'S PERFORMANCE

There are many important reasons why the Commission should review the Executive Director annually: It is in the best interests of the Commission.

The Executive Director's annual review occurs one time during the year when the Commission can sit down and objectively assess how the Commission is performing. By reviewing the performance of the Executive Director and how the Commission is managed, the Commission assures itself about the Commission's ability to deliver its mission. An annual review of your Executive Director's performance allows you an opportunity to look at performance and measure effectiveness.

A Commission should appraise its Executive Director's performance on bottom-line indicators such as these:

- The quality of the information and recommendations the Executive Director provides the Commission
- The financial health of the Commission
- Community support for the Commission
- Progress toward the Commission's strategic goals

Two Rules for Evaluating the Executive Director

1. **Do it!** Perform this great service to the group you represent.

2. **Don't ask Commission staff to evaluate the Executive Director for the Commission.** Staff generally do not have the qualifications, and often use the opportunity to "vent" their frustrations, which often have nothing to do with the Executive Director's job performance.

DETAILED JOB DESCRIPTION (AN ADVERISEMENT IF VACANCY)

GENERAL DESCRIPTION:

The Executive Director serves as the chief executive officer for the RI CDHH and is accountable to the board of Commissioners for carrying out overall policy and program direction.

POSITION STATUS:

Status: Exempt

The Executive Director works under the direction and on behalf of the Commission. The Executive Director is expected to perform independently, with initiative and with minimal supervision. Office priorities and objectives established by the Executive Director must be in accordance with the Commission's direction and priorities.

POSITION PURPOSE:

The Rhode Island Commission on the Deaf and Hard of Hearing (RI CDHH), established by Rhode Island General Law, Chapter 23, Section 1.8 is the principal agency in the State of Rhode Island on behalf of people of all ages who are deaf and hard of hearing. The Commission within state government serves as the principal agency representing the population of over 90,000 Deaf, late deafened, hard of hearing, and deaf-blind people. The Commission is also authorized by other State and Federal statues which specify service delivery to deaf, late deafened, hard of hearing, and deaf-blind people.

REPORTABILITY:

Reports to: The Commissioners appointed by the Governor.

Supervises: Program Manager and Interpreter Referral Specialist

DUTIES:

Within the limits of the constitution and bylaws and policies, the Executive Director as RI CDHH's chief executive officer is responsible for, is charged with providing effective leadership, and has authority to accomplish duties set forth in the following areas:

1. General Administration

2. Financial Management
3. Personnel Management
4. Advocacy
5. Program Development
6. Board Relations
7. Public Relations
8. Community Relations

GENERAL ADMINISTRATION:

- Plan, develop, direct, coordinate, administer, review and evaluate the activities of the Commission with effective leadership.
- Work with members of the Commission to accomplish the goals and objectives of the Commission, under the direction of the Commission.
- Act on issues impacting Commission management and statewide operation
- Perform other work as assigned by the Commission.

FINANCIAL MANAGEMENT:

- Prepare, develop, review, control, and monitor the agency's budget.
- Prepare annual reports to the Governor and General Assembly on fiscal status, programs and progress.
- Seek additional funding resources and prepare grant applications in accordance with the Commission's goals and objectives.
- Prepare and manage consultant and service contracts.

PERSONNEL MANAGEMENT:

- Responsible for the recruitment, hiring, training, supervision and evaluation of staff. Assure proper orientation, motivation, training and professional development for staff.

Supervision:

- Perform supervisory functions so that efficient and orderly operations will be fostered and maintained:
- Ensure that performance reviews are completed for all staff
- Provide control and direction for personnel function including compliance with personnel policies, approval of personnel actions and training
- Exercise delegation of authority and conduct annual performance evaluations.
- Recommend disciplinary action, suspension, and/or termination of employees when required

ADVOCACY:

- Under Commission direction, review and testify on legislation of interest to and having the potential to impact Deaf and Hard of Hearing constituents.
- Represent the interests of Deaf and Hard of Hearing people on state and other advisory boards.
- Work to affect change in policies and programs of public and private entities to reflect the needs and interests of the Deaf and Hard of Hearing.

PROGRAM DEVELOPMENT:

- Initiate the development, implementation and evaluation of its various programs.
- Conduct the quality assurance in existing programs and services to ensure satisfactory to Deaf and Hard of Hearing constituents with over arching goal of increasing the level of efficiency and effectiveness of existing programs and services.
- Oversee in-house Statewide Interpreter Referral Service (statue mandated)

BOARD RELATIONS:

- Participate in RI CDHH meetings (except those relating to her/his performance or when otherwise deemed appropriate by the Commission) as a non-voting member and provide status reports on Commission activities.
- Report directly to the Commission.
- Provide the necessary liaison and staff support to committees and their chairs to enable them to properly perform their functions.

PUBLIC RELATIONS:

- Represent the Commission and act as spokesperson on behalf of the Commission in fulfillment of its mandates.
- Promote public awareness through presentations, workshops, training, and information dissemination to the general public about the needs of the Deaf and Hard of Hearing.
- Plan, coordinate and conduct a public relations program to enhance awareness and acceptance of the Commission.
- Promote mutually beneficial relationships with state and local entities.

COMMUNITY RELATIONS:

- Establish and maintain positive relationships with hearing health associations, professions and industry, government agencies and officials, public and private organizations and vendors as necessary to promote the needs and interests of the Deaf and Hard of Hearing.
- Represent the CDHH in affiliation with federal, state, local, non-profit, multi agency and other organizations to develop linkages, enlist participation and coordinate programs and services for the Deaf and Hard of Hearing.
- Provide consultation, advice and recommendations to state agencies and departments on programs and services benefiting, or having the potential to benefit, the Deaf and Hard of Hearing.
- Maintain consistent contact and seek feedback from community groups and organizations representing the Deaf and Hard of Hearing communities.

QUALIFICATIONS:

- BA/BS (Master's Degree preferred) from an accredited college or university in an appropriate discipline.
- Five years of progressive experience as an administrator of programs and/or services related to Deaf and Hard of Hearing individuals.
- Knowledge of Deaf Culture, the impact of hearing loss and various methods of communication used by Deaf persons and others with hearing loss.
- Knowledge of services and programs for the deaf, late deafened, hard of hearing, and deaf-blind.
- Sensitivity and ability to work with a variety of people, especially Deaf and Hard of Hearing persons.
- Fluency in American Sign Language, including knowledge and skill in using diverse communication systems.
- Written English and public presentation skills
- Ability to identify and solicit alternative sources of funding and grant writing experience.
- Ability to carryout major long and short term strategic planning.
- Ability to work independently and collaboratively.
- Knowledge of state and national resources including organization to appropriately research, design, and implement a service delivery infrastructure.
- Strong computer skills and knowledge of computer applications including Internet communications.
- Knowledge of the ADA, Section 504, IDEA and other pertinent legislation and implementation at the federal, state and local levels.
- Knowledge of the deaf and hard of hearing legislation, regulations, policies and programs.

- Comprehensive understanding of issues facing both Deaf and Hard of Hearing persons.
- Effective leadership and management experience and organizational and analytical skills.
- Demonstrated ability to build positive working relationships and facilitate effective work teams.
- Willingness to participate in community organizations.
- Rhode Island residency preferred.*

Revised approved by the Commissioners, June 21, 2006

* = The commissioners approved to allow the current Executive Director to live in Massachusetts on February 12, 2007.

SECTION V – MEETING

COMMISSION MEETING PROCEDURES

The Commission shall, in accordance with state open meeting laws, conduct no less than four (4) regular meetings per fiscal year as determined by Commissioners.

The Commission is required to have the timeslot for public comments. The purpose of the public comments as part of the meeting agenda is to allow the public to address the Commission.

- The public comments may begin with an abbreviated regular meeting to allow the Commission to address matters requiring their immediate action.

- The public commets will, upon completion of the abbreviated regular meeting, allow for comments from the public, in accordance with generally accepted public hearing protocol. All persons wishing to address the Commission may do so in writing or by a personal presentation at the time. The Chairperson of the Commission shall determine time restraints on individual presentations, granting a minimum of three (3) minutes to each person.

All meetings, except Executive (closed) Meetings, are open to the public. Commission staff will be responsible for identifying meeting sites and informing members and the public in accordance with state open meeting laws.

The Commission shall maintain a list of standing rules for the purpose of setting

ATTENDANCE

Commissioners will confirm with the Executive Director or designated administrative assistant at least five (5) business days prior to the next Commission meeting of their intention to attend or not.

Commissioners are expected to attend all regular meetings. Additional meetings will be scheduled if required by Commission business.

The Chairperson will place Commissioners who have accumulated two (2) unexcused absences from scheduled meetings of the full Commission within a fiscal year on a probationary status by sending a formal acknowledgement letter to Commissioners.

If the same member has one more unexcused absence from a scheduled meetings within her/his term of office, then the Chairperson will ask the Commissioner to resign.

Absences are determined to be excused or unexcused at the discretion of the Chairperson.

However, Commissioners are appointed by the Governor and, as gubernatorial appointees, may be removed only by the Governor.

ELECTIONS

Elections shall be for only a one-year term.

Elections shall take place within 1st Quarter of the fiscal year. (July—September)

A membership committee shall be called by the Chairperson in a meeting prior to the 1st Quarter election.

Upon an unscheduled vacancy of the Chair, the Vice Chair shall assume the position of the Chair for the remainder of the term. At that time the Secretary will assume the position of Vice Chair.

In the event that there is a vacancy in the Vice Chair position, the Secretary will assume the position of the Chair and there shall be an immediate election to fill the position for the remainder of the Chair's term.

Officers shall take their elected seat in the following next meeting unless the position needs to be immediately filled. (For more information, Section III, Page6.)

RUNNING A COMMISSION MEETING

A short, productive meeting

> Sound preparation is the most important thing a Commission member can do to make meetings more effective. One week before the meeting, you will receive an agenda packet. Read it and all related materials carefully. If there is some thing you don't understand, contact the Executive Director or appropriate Commissioner before the Commission meeting for clarification.

Commission meetings run according to the Open Meeting Law, RI General Law, 42-46:

- The tentative agenda will be posted on the Commission website.
- The staff will file the meeting notice with the State Library and Office of Secretary of State and will post the meeting notice at the meeting site and the RICDHH office at least 72 hours in advance.
- The tentative agenda will be posted on the Commission website.
- The Commission's Chair and Executive Director will put together a meeting agenda in advance of the meeting date. The agenda gives the Commission a clear plan of business for its meeting. You should receive the agenda in your pre-meeting packet.
- Asking that an item be placed on the meeting agenda at the last minute gives no one time to prepare.
- It's not good decision-making to bring up important issues at the last minute.
- Send your agenda items and amendments to the Chair at least three (3) weeks prior to the Commission meeting.

ORDER OF COMMISSION MEETING

1) CALL TO ORDER
2) ROLL CALL
3) APPROVAL OF THE AGENDA
4) APPROVAL OF THE PREVIOUS MINUTES
5) OFFICIERS AND COMMITTEES' REPORTS
6) PUBLIC COMMENT
7) UNFINISHED BUSINESS
8) NEW BUSINESS
9) ANNOUNCEMENTS
10) ADJOURNMENT

CONFIDENTIALITY

Minutes of and discussions made by the Executive Committee are to be kept confidential and shall not be shared with any person outside this meeting room, except to:

- Members of the Commission

- Person(s) who may be the subject of the Executive Committee meeting
- In connection with an audit authorized by law
- The State Attorney General
- The Governor

ACCESSIBILITY

Open Meeting Law Requires

- Wheelchair accessible location

CDHH arranges interpreters and CART service for meetings automatically

- No request from public required
- CDHH meeting CAN continue if interpreter not available

CDHH will provide loop if requested or desired by CDHH

If either interpreter or CART service is not available

- CDHH policy to cancel meeting if any Commissioner is uncomfortable with communication capability (not audience)
- CDHH meeting can be adjourned if a Commissioner later in the meeting feels that communication is not accessible.

The Meeting room shall have the following arrangements:

- low acoustic levels to accommodate the Commissioners' hearing with assistive listening devices, hearing aids, or cochlear implants,
- tables should be in circle so everyone can see each other.
- close the window curtains if sun is in our way.
- sufficient light support for
- reserve space for the CART service, screen and stenographing devices.

WRITING A POSITION PAPER

The criteria for any position paper being brought to the attention of the Commission is:

- The name of the author(s)/organization(s) taking the position must be disclosed.
- Contact information for the author(s)/organization(s) taking the position must be provided.

Position papers containing hearsay or unsubstantiated claims will be rejected.

The following outline can be used to guide small committees or individuals through writing up recommendations to present to the Commission.

I. Statement of Problem

- This should be a concise description of the problem, e.g., "City Hall has no loop system" or "County Attorney's Office refuses to pay for interpreters."

II. Background

- This section should describe specifically who, what, and where the problem is and its negative impact. Names, telephone numbers, and any written correspondence relating to the problem should be mentioned and attached.

III. Research and Information

IV. Possible Solutions

- This section should explain, in brief sentences, the most effective solution(s) or means to address the problem.

V. Statement of Position and Recommendations

NOTE: To be included on the agenda, the position paper must be submitted to the ExecutiveDirector three (3) weeks prior to the Commission meeting.

PARLIAMENTARY PROCEDURES AT A GLANCE

1. *In this case, any resulting motion is debatable.*
2. *Chair decides.*
3. *These motions or points are listed in established order of precedence. When anyone of them is pending, you may not introduce another that's listed below it. But you may introduce another that's listed above it.*
4. *The motions, point, and proposals have no established order of precedence. Any of them may be introduced at any time except when the meeting is considering one of the top three matters listed in the chart (motion to adjourn, motion to recess, point of privilege).*
5. *But division must be called for before another motion is started.*
6. *Then majority vote is required.*

You Say This:	May You Interrupt Speaker?	Must You Be Seconded?	Is The Motion Debatable?	Is The Motion Amendable?	What Vote Is Required?
"I move that we recess until…"	No	Yes	No	Yes	Majority
"Point of privilege."	No	Yes	No	No	No vote required
"I move that we table it."	No	Yes	No	No	Majority
"I call to the question."	No	Yes	Yes	Yes	2/3
"I move we postpone this matter until…"	No	Yes	Yes	Yes	2/3
"I move we refer this to a committee."	No	Yes	Yes	Yes	Majority, vote by speaker required
"I move that this motion be amended by…."	No	Yes	Yes	Yes	Majority, vote by speaker required
"I move that…"	No	Yes	Yes	Yes	Majority
"I move that we adjourn."	No	Yes	No	Yes	Majority

You Say This:	May You Interrupt Speaker?	Must You Be Seconded?	Is The Motion Debatable?	Is The Motion Amendable?	What Vote Is Required?
"Point of order."	Yes	No	No	No	No vote needed, Chair decides
"Point of information."	If urgent, Yes	No	No	No	No vote needed, Chair decides
"I call for a division of the house."	No	No	No	No	No vote required unless someone objects
"I object to consideration of this question."	Yes	No	No	No	2/3
"I move we take from the table…"	No	Yes	No	No	Majority
"I move we now (or later) reconsider our action relative to..."	Yes	Yes	Yes if original is debatable	No	Majority
"I move we suspend the rules and consider…"	No	Yes	No	No	2/3
"I appeal the chairperson's decision."	Yes	Yes	Yes	No	Majority in the negative required to reverse chair's decision

SECTION VI – SELECT STATUES AND BY-LAWS

PREAMBLE

The Rhode Island Commission on the Deaf and Hard of Hearing was established by the Rhode Island General Assembly in 1977 to address issues facing individuals with hearing impairments. (Codified at Rhode Island General Law, 23-1.8)

RI General Law, 23-1.8 determines the purpose and conduct of the Commission. The composition of the membership of the Commission is specified by the law and its members are appointed by the Governor.

The Commission shall comply with the provisions of RI General Law, 23-1.8 in all its undertakings.

COMMISSION LAW (STATUES)

RHODE ISLAND COMMISSION ON THE DEAF AND HARD OF HEARING

§ 23-1.8-1 Purpose – Creation of commission.

§ 23-1.8-2 Duties – Activities.

§ 23-1.8-2.1 Sign language interpreter referral service.

§ 23-1.8-3 Committees.

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§ 23-1.8-1 Purpose – Creation of commission. – (a) In view of the barriers and disadvantages which deafness and hearing impairments impose on those individuals so affected, and in view of the testimony on deafness received by a legislative study commission, it is hereby proposed that a permanent Rhode Island commission on the deaf and hard-of-hearing be established.

This commission shall be composed as follows: a thirteen (13) member commission, eleven (11) of whom are appointed by the governor, one representative appointed by the speaker of the house and one senator appointed by the president of the senate. Four (4) of the governor's appointments shall be initially appointed for a term to expire July 1, 1995 and three (3) members shall be appointed for a term to expire July 1, 1994. There after the commissioners shall serve staggered two (2) year terms, each member serving until his or her successor is appointed.

These commissioners shall be responsible for the establishment of policies and the appointment of an executive director who shall be in the unclassified service and other staff as needed and for whom appropriations are available.

They shall meet not less than four (4) times per year, and shall not be paid for their services, except for reimbursement of expenses incurred by their service. The commissioners may elect their own officers.

(b) The members appointed by the governor shall include five (5) individuals who are deaf who use American Sign Language, one individual who is deaf who does not use American Sign Language, three (3) who are hard-of-hearing, and two (2) who are hearing. Commission members shall select their own chairperson. Five (5) members shall constitute a quorum.

§ 23-1.8-2 Duties – Activities. – The commission shall be primarily a coordinating and advocating body, acting on behalf of the special concerns of deaf and hard-of-hearing persons in Rhode Island. Its activities shall be independent of any existing agency or department within the state. The commission shall be accountable directly to the executive office of the state, and shall submit an annual report to the governor. The commission will assume the following duties:

(1) Bring about greater cooperation and coordination among agencies and organizations now servicing or having the potential to serve the deaf and hard-of-hearing;

(2) Promote greater accessibility to services for the deaf and hard-of-hearing;

(3) Conduct an ongoing needs assessment;

(4) Promote increased awareness and provide information and referrals;

(5) Advocate for the enactment of legislation that would assist the needs of individuals who are deaf and hard-of-hearing;

(6) Administer a sign language interpreter referral service;

(7) Take necessary action to improve the quality of life for deaf and hard-of-hearing individuals living in Rhode Island;

(8) Develop a statewide coordinating council that will coordinate the implementation of the comprehensive statewide strategic plan for children in Rhode Island who are deaf or have hearing loss. The composition, functions and activities of the statewide coordinating council shall be consistent with the provisions of the strategic plan developed through the Rhode Island department of elementary and secondary education.

(9) Track the yearly services provided by exempted interpreters, as defined in subsection 5-71-15(4).

§ 23-1.8-2.1 Sign language interpreter referral service. – The commission shall administer the sign language interpreter referral service for all certified licensee, licensee, grandparent licensee, and special licensee interpreters, as provided in chapter 71 of title 5, who hold a valid interpreter for the deaf license issued by the state board of examiners of interpreters for the deaf pursuant to § 5-71-9 or § 5-71-12 or hold a valid license, certificate, or equivalent issued with another state with reciprocity pursuant to § 5-71-10.

The commission shall not impose any limits on the practice of certified licensees, licensees, grandparent licensees, or special licensees beyond those imposed by the state board of examiners for interpreters for the deaf. Prior to January 1, 1998 the commission's sign language interpreter referral service shall be open to all interpreters for the deaf who meet or exceed qualifications for license in § 5-71-9, 5-71-10, 5-71-11, or 5-71-12. The commission shall refer any complaints regarding the conduct or performance of any interpreter utilizing their referral service to the state board of examiners for interpreters for the deaf for appropriate action pursuant to § 5-71-13. The commission shall upon receipt of notice of revocation or suspension of a license by the state board of examiners for interpreters for the deaf, immediately cease to refer customers to that licensee, unless and until the license is restored.

§ 23-1.8-3 Committees. – (a) To assist in the performance of its duties the commission shall establish various committees. Except as authorized by the commission, committees shall be composed of no more than seven (7) members who shall serve staggered terms.

(b) At least one individual who is deaf, one individual who is hard-of-hearing, and one commission member, whenever possible, shall serve on each committee. In addition, governmental agencies shall assign one representative to the following committees:

(1) Telecommunications relay service committee: one representative of the public utilities commission;

(2) Education committee: one representative of the department of elementary and secondary education and one representative of the Rhode Island school for the deaf;

(3) Employment committee: one representative of the department of human services, and one representative of the department of labor and training;

(4) Health care committee: one representative of the department of elderly affairs, one representative of the department of health, and one representative of the department of mental health, retardation, and hospitals;

(c) The committees are responsible for appointing their chairpersons. Chairpersons shall report upon the activities of their committees at commission meetings.

RICDHH BY-LAWS

ARTICLE I-NAME

SECTION 1 - The name of this commission shall be the Rhode Island Commission on the Deaf and Hard of Hearing, hereinafter referred to as the CDHH or the Commission. The Commission is established as described by Title 23, Chapter 1.8, of Rhode Island General Laws.

ARTICLE II - PURPOSE

SECTION 1 - The Commission on the Deaf and Hard of Hearing , also called the Commission, is an advocating, coordinating, and service-providing entity committed to promoting an environment in which the deaf and hard of hearing in Rhode Island are afforded equal opportunity in all aspects of their lives.

ARTICLE III - DEFINITION

SECTION 1 - The Commission serves Rhode Islanders who are deaf and hard of hearing with varying hearing losses which are sufficient enough to request additional needs in order to lead normal lives as Americans.

A. Deafness can be attributed at birth or can be caused by illnesses or injuries which can be pre-lingual deafness or post-lingual deafness.

B. Hearing loss can be measured from slight to severe, some start at birth while others are done progressively over the years to a level where they find communicating with the society difficult. The hearing loss can be permanent, temporary and/or combined with another disability or disabilities.

C. The identification of "deaf or "hard of hearing" person is an individual and subjective self definition whereas deaf can mean culturally deaf or clinically deaf depending on an individual's self identity. There is not a specific or objective measure for this definition.

D. Consumers are defined as either deaf or hard of hearing.

ARTICLE IV - DUTIES

SECTION 1 — To accomplish its goals, the Commission will advise the Governor, Rhode Island General Assembly, State agencies, and other public and private entities and individuals on matters related to deafness and hearing loss. It will act as a vehicle for information and progress on behalf of deaf and hard of hearing Rhode Islanders. Additionally, the Commission will provide direct services in the form of information and referral and interpreter referral.

A. The Commission will bring about greater cooperation and coordination among agencies, individual, and organizations now serving or having the potential to serve deaf and hard of hearing people.

B. The Commission will conduct an on-going needs assessment.

C. The Commission will promote greater accessibility to service including education, training and telecommunications relay services.

D. The Commission will advocate for the enactment of legislation needed to accomplish the Commission's goal of promoting an environment of equal opportunity.

E. The Commission will facilitate public awareness of issues related to deafness and hearing loss and provide information and referral.

F. The Commission will administer a professional interpreter referral service and/or arrange for CART (Computer Assisted Real-time Translation) and assist in developing the size and expertise of the interpreter pool in Rhode Island.

G. The Commission will take any other necessary action to improve the quality of life for deaf and hard of hearing individuals in Rhode Island in areas including, but not limited to, education, employment, health care, parenting, and technology.

H. The Commission will establish a statewide Coordinating Council in collaboration with the Department of Education and other agencies to implement a comprehensive strategic plan to promote the education and well-being of RI children who are deaf or have hearing loss.

ARTICLE V - STRUCTURE AND FUNCTION

SECTION 1 - The Commission proper is charged with ultimate responsibility for achieving its goals as outlined under Article II — Purpose and Article III - Duties. The Commission will, therefore, set overall priorities with regard to these goals and the use of Commission resources. The Commission will establish as many permanent and temporary Committees as it requires and delegate to them and to the Commission staff defined responsibilities. To facilitate communication, and achievement of Commission objectives, Committees shall be small and focused.

A. The Commission will hire the Executive Director after considering the recommendation of a Commission-appointed Search Committee, or other staff in the absence of an Executive Director.

B. The Commission has the authority to hire any additional staff deemed necessary to meet the goals and objectives of the Commission within the funding available.

1. All permanent personnel will be hired by the Commission after considering the recommendation(s) of the Executive Director. The Commission has the authority to charge the Executive Director with establishing an advisory committee when deemed necessary and appropriate to insure integrity throughout the hiring process. Such an advisory committee would have the responsibilities defined by the Commission. The Executive Director can vote on these advisory committees only. The Commission has the right to conduct the final interview(s).

2. All other temporary and volunteer personnel (paid and unpaid) are selected by the Executive Director.

C. The Commission will act as final authority on any matters irresolvable at the Committee level.

D. The Commission Chairperson (or, in his/her absence, the highest ranking officer) will represent the Commission and all its parts before any public or private entity in a manner that is consistent with the goals and views of the full Commission.

ARTICLE VI - MEMBERSHIP

SECTION 1 - The Commission proper shall be composed of 11 members, all of whom are appointed by the Governor with the advice and consent of the Senate. The Governor shall appoint 5 individuals who are deaf and use American Sign Language, 1 individual who is deaf and does not use American Sign Language, 3 who are hard of hearing, and 2 who are hearing. Commissioners should have a good understanding of the wide interests of the people of Rhode Island with regard to deafness and hearing loss requirements. All Commissioners should typically be residents of Rhode Island. As there is no Rhode Island law specifying Rhode Island residency, up to three (3) out of state Commissioners may be appointed to satisfy special qualification requirements.

SECTION 2 - The Committee membership will be initially established by the Commission and then maintained by the Committee themselves. A priority in selection of members shall be an interest in the issues addressed by the Committee. The Committee membership must meet the following requirements:

- no more than seven (7) on a Committee
- limited participation of three (3) Committees per person
- Commissioners must serve on at least one (1) committee

A. Committee members shall select their own chairperson and vice chairperson.

B. There will be a limit of 5 Commission members on a Committee at any one time. There is no requirement to have a Commission member on a Committee. Commission members are permitted to vote at both the Committee and Commission level.

SECTION 3 – COMMITTEES - The Commission shall have the authority to establish and dissolve Committees as deemed necessary.

A. An Executive Committee shall exist as a permanent Committee comprised of the current officers of the Commission.

B. A Charter committee is a committee that was suggested when the Commission was created.

- Telecommunications committee
- Education committee
- Employment committee
- Healthcare committee

C. A Commission working committee of 4 members or less is established to evaluate items and make presentations / recommendations to the Commission.

Ad-hoc Committees can be established by the Commission as needed. The Commission will establish the Committee by defining the:

- charter
- timeline for accomplishment and reporting
- initial membership composition
- staff assignment

The staff assigned to a Committee is not included in the composition described in Article VI. The staff may prepare minutes for approval by the Committee and is responsible for posting and arranging accommodations for accessibility needs. With the exception of the Advisory Committees defined in Article V, the staff cannot vote in Committee.

The Commission with a majority quorum vote must approve any exceptions to these composition requirements.

ARTICLE VII - OFFICERS

SECTION 1 - The officers of the Commission shall consist of in order of authority:

A. Chairperson
B. Vice Chairperson
C. Treasurer/Assistant Treasurer
D. Secretary/Assistant Secretary

SECTION 2 - The Commission and the Committees shall annually elect their own officers in the first quarter of the calendar year. Any vacancies should be filled as soon as possible.

ARTICLE VIII - VACANCIES

SECTION 1 - The Commission will publicize any vacancies they have and the skills, knowledge and characteristics they wish new members to possess. Using objective and explicit criteria, they will select from among the applicants. In the case of Commission applicants, the Commission will review all applications and submit recommendations to the Governor. In the case of Committee vacancies, the Committees themselves will select new members. A member of the Committee can declare their position vacant by submitting a written letter to the chairperson of the Committee. A Commission member can resign by writing letter either to the chairperson of the Commission or the Governor. In filling a consumer vacancy, the overall composition of 5 Deaf who use American Sign Language, 1 Deaf who does not use American Sign Language, 3 Hard of Hearing, and 2 who are hearing must be maintained for those Commissioners appointed by the Governor.

If a member of a Committee or the Commission repeatedly misses meetings, their positions can be declared vacant by a majority vote of the Commission. An excused absence is where the member notifies the chairperson or Commission staff as to their absences. After two (2) unexcused absences, the chairperson shall contact the person to determine if they are still interested in participation. After three (3)

unexcused absences with described notification, the Committee or Commission can vote to declare the position vacant.

ARTICLE IX-TERMS

SECTION 1 – Based on State Law, the Commission is comprised of 11 members, all of whom are appointed by the Governor with the advice and consent of the Senate. Each Commissioner appointed by the Governor will serve a two (2) year term and will serve until his or her successor is appointed.

SECTION 2: Each Commissioner may serve for two (2) consecutive full terms. Commission members may serve additional terms if there are no applicants that the Commission wishes to consider for filling a term vacancy and the Commission wished to appoint him or her for another term.

ARTICLE X - MEETINGS

SECTION 1 - The Commission shall meet not less than four (4) times annually. The Commission shall endeavor to make all meetings regular and predictable. Special meetings may be called by a majority of the current membership of any Commission body as long as requirements for public notification and access are met.

SECTION 2 - All meetings of the Commission and Charter Committees are public and shall be posted and accessible in accord with RI General law 42-46 on Open Meetings. These Open Meeting requirements do not apply to Commission working committees of 4 members or less (not a quorum). Meetings can be cancelled if there is no interpreter or assistive devices available.

SECTION 3 - Approved minutes of each Commission and Charter Committee meetings shall be available at the Commission office. No preliminary copies or unapproved minutes shall be distributed. Corrections to previous minutes can be noted in future minutes. These Open Meeting requirements do not apply to Commission working committees of 4 members or less (not a quorum).

ARTICLE XI - AMENDMENTS

SECTION 1 - Any part, section or article on the Bylaws of the Commission may be amended by a two-thirds (2/3) quorum vote of the current Commission members.

SECTION 2 — Proposed amendments must be published and provided to the Commission and Committee members at least one (1) month prior to a scheduled vote. For procedural question on which the bylaws are silent (e.g. duties of officers), Robert's Rules of Order, Newly Revised, shall prevail.

ARTICLE XII - QUORUM

SECTION 1 - A Quorum of any Commission body shall be a majority of the current membership except that the Commission proper must have a minimum of five (5) members

Accepted by the CDHH on 6/8/94. Revised 5/21/97. Revised 7/25/00. Revised 10/18/00. Revised 12/18/02. Revised 12/15/04. Revised 04/25/2007.

SECTION VII – SELECT RI GENERAL LAWS

OPEN MEETING ACT (RI General Law, 42-46)

§ 42-46-1 Public policy. – It is essential to the maintenance of a democratic society that public business be performed in an open and public manner and that the citizens be advised of and aware of the performance of public officials and the deliberations and decisions that go into the making of public policy.

§ 42-46-2 Definitions. – As used in this chapter:

(a) "Meeting" means the convening of a public body to discuss and/or act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power. As used herein, the term "meeting" expressly includes, without limiting the generality of the foregoing, so-called "workshop," "working," or "work" sessions.

(b) "Open call" means a public announcement by the chairperson of the committee that the meeting is going to be held in executive session and the chairperson must indicate which exception of § 42-46-5 is being involved.

(c) "Public body" means any department, agency, commission, committee, board, council, bureau, or authority or any subdivision thereof of state or municipal government or any library that funded at least twenty-five percent (25%) of its operational budget in the prior budget year with public funds, and shall include all authorities defined in § 42-35-1(b). For purposes of this section, any political party, organization, or unit thereof meeting or convening is not and should not be considered to be a public body; provided, however, that no such meeting shall be used to circumvent the requirements of this chapter.

(d) "Quorum" , unless otherwise defined by applicable law, means a simple majority of the membership of a public body.

(e) "Prevailing plaintiff" includes those persons and entities deemed "prevailing parties" pursuant to 42 U.S.C. § 1988.

(f) "Open forum" means the designated portion of an open meeting, if any, on a properly posted notice reserved for citizens to address comments to a public body relating to matters affecting the public business.

§ 42-46-3 Open meetings. – Every meeting of all public bodies shall be open to the public unless closed pursuant to §§ 42-46-4 and 42-46-5.

§ 42-46-4 Closed meetings. – (a) By open call, a public body may hold a meeting closed to the public upon an affirmative vote of the majority of its members. A meeting closed to the public shall be limited to matters allowed to be exempted from discussion at open meetings by § 42-46-5. The vote of each member on the question of holding a meeting closed to the public and the reason for holding a closed meeting, by a citation to a subdivision of § 42-46-5(a), and a statement specifying the nature of the business to be discussed, shall be recorded and entered into the minutes of the meeting. No public body shall discuss in closed session any public matter which does not fall within the citations to § 42-46-5(a) referred to by the public body in voting to close the meeting, even if these discussions could otherwise be closed to the public under this chapter.

(b) All votes taken in closed sessions shall be disclosed once the session is reopened; provided, however, a vote taken in a closed session need not be disclosed for the period of time during which its disclosure would jeopardize any strategy, negotiation or investigation undertaken pursuant to discussions conducted under § 42-46-5(a).

§ 42-46-5 Purposes for which meeting may be closed – Use of electronic communications – Judicial proceedings – Disruptive conduct. – (a) A public body may hold a meeting closed to the public pursuant to § 42-46-4 for one or more of the following purposes:

(1) Any discussions of the job performance, character, or physical or mental health of a person or persons provided that such person or persons affected shall have been notified in advance in writing and advised that they may require that the discussion be held at an open meeting.

Failure to provide such notification shall render any action taken against the person or persons affected null and void. Before going into a closed meeting pursuant to this sub section, the public body shall state for the record that any persons to be discussed have been so notified and this statement shall be noted in the minutes of the meeting.

(2) Sessions pertaining to collective bargaining or litigation, or work sessions pertaining to collective bargaining or litigation.

(3) Discussion regarding the matter of security including, but not limited to, the deployment of security personnel or devices.

(4) Any investigative proceedings regarding allegations of misconduct, either civil or criminal.

(5) Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.

(6) Any discussions related to or concerning a prospective business or industry locating in

the state of Rhode Island when an open meeting would have a detrimental effect on the interest of the public.

(7) A matter related to the question of the investment of public funds where the premature disclosure would adversely affect the public interest. Public funds shall include any investment plan or matter related thereto, including, but not limited to, state lottery plans for new promotions.

(8) Any executive sessions of a local school committee exclusively for the purposes: (i) of conducting student disciplinary hearings; or (ii) of reviewing other matters which relate to the privacy of students and their records, including all hearings of the various juvenile hearing boards of any municipality; provided, however, that any affected student shall have been notified in advance in writing and advised that he or she may require that the discussion be held in an open meeting.

Failure to provide such notification shall render any action taken against the student or students affected null and void. Before going into a closed meeting pursuant to this sub section, the public body shall state for the record that any students to be discussed have been so notified and this statement shall be noted in the minutes of the meeting.

(9) Any hearings on, or discussions of, a grievance filed pursuant to a collective bargaining agreement.

(10) Any discussion of the personal finances of a prospective donor to a library.

(b) No meeting of members of a public body or use of electronic communication, including telephonic communication and telephone conferencing, shall be used to circumvent the spirit or requirements of this chapter; provided, however, these meetings and discussions are not prohibited.

(1) Provided, further however, that discussions of a public body via electronic communication, including telephonic communication and telephone conferencing, shall be permitted only to schedule a meeting.

(2) Provided, further however, that a member of a public body may participate by use of electronic communication or telephone communication while on active duty in the armed services of the United States.

(3) Provided, further however, that a member of that public body, who has a disability as defined in chapter 87 of title 42 and:

(i) Cannot attend meetings of that public body solely by reason of his or her disability; and

(ii) Cannot otherwise participate in the meeting without the use of electronic communication or telephone communication as reasonable accommodation, may

participate by use of electronic communication or telephone communication in accordance with the process below.

(4) The governor's commission on disabilities is authorized and directed to:

(i) Establish rules and regulations for determining whether a member of a public body is not otherwise able to participate in meetings of that public body without the use of electronic communication or telephone communication as a reasonable accommodation due to that member's disability;

(ii) Grant a waiver that allows a member to participate by electronic communication or telephone communication only if the member's disability would prevent him/her from being physically present at the meeting location, and the use of such communication is the only reasonable accommodation; and

(iii) Any waiver decisions shall be a matter of public record.

(c) This chapter shall not apply to proceedings of the judicial branch of state government or probate court or municipal court proceedings in any city or town.

(d) This chapter shall not prohibit the removal of any person who willfully disrupts a meeting to the extent that orderly conduct of the meeting is seriously compromised.

§ 42-46-6 Notice. – (a) All public bodies shall give written notice of their regularly scheduled meetings at the beginning of each calendar year. The notice shall include the dates, times, and places of the meetings and shall be provided to members of the public upon request and to the secretary of state at the beginning of each calendar year in accordance with subsection (f).

(b) Public bodies shall give supplemental written public notice of any meeting within a minimum of forty-eight (48) hours before the date. This notice shall include the date the notice was posted, the date, time and place of the meeting, and a statement specifying the nature of the business to be discussed. Copies of the notice shall be maintained by the public body for a minimum of one year. Nothing contained herein shall prevent a public body, other than a school committee, from adding additional items to the agenda by majority vote of the members. School committees may, however, add items for informational purposes only, pursuant to a request, submitted in writing, by a member of the public during the public comment session of the school committee's meetings. Said informational items may not be voted upon unless they have been posted in accordance with the provisions of this section. Such additional items shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official.

(c) Written public notice shall include, but need not be limited to, posting a copy of the notice at the principal office of the public body holding the meeting, or if no principal office exists, at the building in which the meeting is to be held, and in at least one other

prominent place within the governmental unit, and electronic filing of the notice with the secretary of state pursuant to subsection (f); provided, that in the case of school committees the required public notice shall be published in a newspaper of general circulation in the school district under the committee's jurisdiction; however, ad hoc committees, sub committees and advisory committees of school committees shall not be required to publish notice in a newspaper; however, nothing contained herein shall prevent a public body from holding an emergency meeting, upon an affirmative vote of the majority of the members of the body when the meeting is deemed necessary to address an unexpected occurrence that requires immediate action to protect the public. If an emergency meeting is called, a meeting notice and agenda shall be posted as soon as practicable and shall be electronically filed with the secretary of state pursuant to subsection (e) and, upon meeting, the public body shall state for the record and minutes why the matter must be addressed in less than forty-eight (48) hours and only discuss the issue or issues which created the need for an emergency meeting. Nothing contained herein shall be used in the circumvention of the spirit and requirements of this chapter.

(d) Nothing within this chapter shall prohibit any public body, or the members thereof, from responding to comments initiated by a member of the public during a properly noticed open forum even if the subject matter of a citizen's comments or discussions were not previously posted, provided such matters shall be for informational purposes only and may not be voted on except where necessary to address an unexpected occurrence that requires immediate action to protect the public or to refer the matter to an appropriate committee or to another body or official. Nothing contained in this chapter requires any public body to hold an open forum session, to entertain or respond to any topic nor does it prohibit any public body from limiting comment on any topic at such an open forum session. No public body, or the members thereof, may use this section to circumvent the spirit or requirements of this chapter.

(e) A school committee may add agenda items not appearing in the published notice required by this section under the following conditions:

(1) The revised agenda is electronically filed with the secretary of state pursuant to subsection (f), and is posted on the school district's website and the two (2) public locations required by this section at least forty-eight (48) hours in advance of the meeting;

(2) The new agenda items were unexpected and could not have been added in time for newspaper publication;

(3) Upon meeting, the public body states for the record and minutes why the agenda items could not have been added in time for newspaper publication and need to be addressed at the meeting;

(4) A formal process is available to provide timely notice of the revised agenda to any person who has requested that notice, and the school district has taken reasonable steps to make the public aware of this process; and

(5) The published notice shall include a statement that any changes in the agenda will be posted on the school district's web site and the two (2) public locations required by this section and will be electronically filed with the secretary of state at least forty-eight (48) hours in advance of the meeting.

(f) All notices required by this section to be filed with the secretary of state shall be electronically transmitted to the secretary of state in accordance with rules and regulations which shall be promulgated by the secretary of state. This requirement of the electronic transmission and filing of notices with the secretary of state shall take effect one year after this subsection takes effect.

(g) If a public body fails to transmit notices in accordance with this section, then any aggrieved person may file a complaint with the attorney general in accordance with § 42-46-8.

§ 42-46-7 Minutes. – (a) All public bodies shall keep written minutes of all their meetings. The minutes shall include, but need not be limited to:

(1) The date, time, and place of the meeting;

(2) The members of the public body recorded as either present or absent;

(3) A record by individual members of any vote taken; and

(4) Any other information relevant to the business of the public body that any member of the public body requests be included or reflected in the minutes.

(b) A record of all votes taken at all meetings of public bodies, listing how each member voted on each issue, shall be a public record and shall be available, to the public at the office of the public body, within two (2) weeks of the date of the vote. The minutes shall be public records and unofficial minutes shall be available, to the public at the office of the public body, within thirty-five (35) days of the meeting or at the next regularly scheduled meeting, whichever is earlier, except where the disclosure would be inconsistent with §§ 42-46-4 and 42-46-5 or where the public body by majority vote extends the time period for the filing of the minutes and publicly states the reason.

(c) The minutes of a closed session shall be made available at the next regularly scheduled meeting unless the majority of the body votes to keep the minutes closed pursuant to §§ 42-46-4 and 42-46-5.

(d) All public bodies within the executive branch of the state government and all state public and quasi-public boards, agencies and corporations shall keep official and/or approved minutes of all meetings of the body and shall file a copy of the minutes of all open meetings with the secretary of state for inspection by the public within thirty-five (35) days of the meeting; provided that this subsection shall not apply to public bodies whose responsibilities are solely advisory in nature.

(e) All minutes required by this section to be filed with the secretary of state shall be electronically transmitted to the secretary of state in accordance with rules and regulations which shall be promulgated by the secretary of state. This requirement of the electronic transmission and filing of minutes with the secretary of state shall take effect one year after this subsection takes effect. If a public body fails to transmit minutes in accordance with this subsection, then any aggrieved person may file a complaint with the attorney general in accordance with § 42-46-8.

§ 42-46-8 Remedies available to aggrieved persons or entities. – (a) Any citizen or entity of the state who is aggrieved as a result of violations of the provisions of this chapter may file a complaint with the attorney general. The attorney general shall investigate the complaint and if the attorney general determines that the allegations of the complaint are meritorious he or she may file a complaint on behalf of the complainant in the superior court against the public body.

(b) No complaint may be filed by the attorney general after one hundred eighty (180) days from the date of public approval of the minutes of the meeting at which the alleged violation occurred, or, in the case of an unannounced or improperly closed meeting, after one hundred eighty (180) days from the public action of a public body revealing the alleged violation, whichever is greater.

(c) Nothing within this section shall prohibit any individual from retaining private counsel for the purpose of filing a complaint in the superior court within the time specified by this section against the public body which has allegedly violated the provisions of this chapter; provided, however, that if the individual has first filed a complaint with the attorney general pursuant to this section, and the attorney general declines to take legal action, the individual may file suit in superior court within ninety (90) days of the attorney general's closing of the complaint or within one hundred eighty (180) days of the alleged violation, whichever occurs later.

(d) The court shall award reasonable attorney fees and costs to a prevailing plaintiff, other than the attorney general, except where special circumstances would render such an award unjust. The court may issue injunctive relief and declare null and void any actions of a public body found to be in violation of this chapter. In addition, the court may impose a civil fine not exceeding five thousand dollars ($5,000) against a public body or any of its members found to have committed a willful or knowing violation of this chapter.

(e) Nothing within this section shall prohibit the attorney general from initiating a complaint on behalf of the public interest.

(f) Actions brought under this chapter may be advanced on the calendar upon motion of the petitioner.

(g) The attorney general shall consider all complaints filed under this chapter to have also been filed under § 38-2-8(b) if applicable.

§ 42-46-9 Other applicable law. – The provisions of this chapter shall be in addition to any and all other conditions or provisions of applicable law and are not to be construed to be in amendment of or in repeal of any other applicable provision of law, except § 16-2-29, which has been expressly repealed.

§ 42-46-10 Severability. – If any provision of this chapter, or the application of this chapter to any particular meeting or type of meeting, is held invalid or unconstitutional, the decision shall not affect the validity of the remaining provisions or the other applications of this chapter.

§ 42-46-11 Reported violations. – Every year the attorney general shall prepare a report summarizing the complaints received pursuant to this chapter, which shall be submitted to the legislature and which shall include information as to how many complaints were found to be meritorious and the action taken by the attorney general in response to those complaints.

§ 42-46-12 Notice of citizen's rights under this chapter. – The attorney general shall prepare a notice providing concise information explaining the requirements of this chapter and advising citizens of their right to file complaints for violations of this chapter. The notice shall be posted in a prominent location in each city and town hall in the state.

§ 42-46-13 Accessibility for persons with disabilities. – (a) All public bodies, to comply with the nondiscrimination on the basis of disability requirements of R.I. Const., Art. I, § 2 and applicable federal and state nondiscrimination laws (29 U.S.C. § 794, chapter 87 of this title, and chapter 24 of title 11), shall develop a transition plan setting forth the steps necessary to ensure that all open meetings of said public bodies are accessible to persons with disabilities.

(b) The state building code standards committee shall, by September 1, 1989 adopt an accessibility of meetings for persons with disabilities standard that includes provisions ensuring that the meeting location is accessible to and usable by all persons with disabilities.

(c) This section does not require the public body to make each of its existing facilities accessible to and usable by persons with disabilities so long as all meetings required to be open to the public pursuant to chapter 46 of this title are held in accessible facilities by the dates specified in subsection (e).

(d) The public body may comply with the requirements of this section through such means as reassignment of meetings to accessible facilities, alteration of existing facilities, or construction of new facilities. The public body is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section.

(e) The public body shall comply with the obligations established under this section by July 1, 1990, except that where structural changes in facilities are necessary in order to comply with this section, such changes shall be made by December 30, 1991, but in any event as expeditiously as possible unless an extension is granted by the state building commissioner for good cause.

(f) Each municipal government and school district shall, with the assistance of the state building commission, complete a transition plan covering the location of meetings for all public bodies under their jurisdiction. Each chief executive of each city or town and the superintendent of schools will submit their transition plan to the governor's commission on disabilities for review and approval. The governor's commission on disabilities with assistance from the state building commission shall approve or modify, with the concurrence of the municipal government or school district, the transition plans.

(g) The provisions of §§ 45-13-7 – 45-13-10, inclusive, shall not apply to this section.

§ 42-46-14 Burden of proof. – In all actions brought under this chapter, the burden shall be on the public body to demonstrate that the meeting in dispute was properly closed pursuant to, or otherwise exempt from the terms of this chapter.

PUBLIC RECORDS LAW (RI General Law, 38-1 and 38-2)

§ 38-1-1 Delivery of records on leaving public office. – Every person who shall hold a public office shall, upon leaving the office, deliver to his or her successor in office, or, if there is no successor, to the public records administration program of the office of secretary of state, all records, books, writings, letters, and documents, kept or received by him or her in the transaction of his or her official business, and to the director of the department of administration all money in his or her hands which he or she shall have received as trust funds from any person or otherwise in the course of his or her official business; and every person who shall, without just cause, refuse or neglect for the space of ten (10) days after request made in writing by any citizen of the state, to deliver as herein required those records, books, writings, letters, or documents, or to pay over those moneys, to the person authorized to receive the requested items, shall be fined not exceeding five hundred dollars ($500) and be imprisoned not exceeding five (5) years.

§ 38-1-1.1 Definitions. – For the purpose of this chapter:

(a) "Agency" or "public body" shall mean any executive, legislative, judicial, regulatory, administrative body of the state, or any political subdivision thereof; including, but not limited to, any department, division, agency, commission, board, office, bureau, authority, any school, fire, or water district, or other agency of Rhode Island state or local government which exercises governmental functions, or any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

(b) "Public business" means any matter over which the public body has supervision, control, jurisdiction, or advisory power.

(c) "Public record" or "public records" shall mean all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other material regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the

transaction of official business by any agency.

(d) "Supervisor of the regulatory body" means the chief or head of a section having enforcement responsibility for a particular statute or set of rules and regulations within a regulatory agency.

§ 38-1-2 Delivery of records to lawful custodian. – Every person, other than the lawful custodian thereof, who shall have in his or her possession, or under his or her control, any such record, book, writing, letter, or document as is designated in § 38-1-1 and who shall, without just cause, refuse or neglect for the space of ten (10) days after request made in writing by any citizen of the state, to deliver that record, book, writing, letter, or document to the lawful custodian of the records shall be fined not exceeding five hundred dollars ($500) and be imprisoned not exceeding five (5) years.

§ 38-1-3 Receptacles for city and town records. – It shall be the duty of every city and town to provide fireproof receptacles for records and documents relating to the official business of the city or town where the records and documents may be kept free from injury from any cause. The receptacles shall be of suitable type and subject to approval by the public records administrator. In case of failure of any city or town to provide fireproof receptacles, in accordance with the provisions of this section, it shall be the duty of the public records administrator to furnish receptacles as may be suitable for that purpose, and he or she shall have a claim against the town for that expense, which claim shall be enforced in accordance with § 45-15-5.

§ 38-1-4 Keeping of records in vaults provided – Penalty. – When not in use, the records and documents shall be kept in the fireproof rooms, vaults, or safes provided for them. Whoever unlawfully keeps in his or her possession any public record, or unlawfully removes the record from the room in which it is usually kept, or alters, defaces, mutilates, or destroys any public record, or violates any provision of this section, shall, for each offense, be punished by a fine of not less than twenty dollars ($20.00) nor more than five hundred dollars ($500).

§ 38-1-9 Custodian designated. – The elected or appointed state, county, or municipal officer or officers charged by law with the responsibility of maintaining the office having public records shall be the custodian thereof.

§ 38-1-10 Disposal of records. – No public official may mutilate, destroy, sell, loan, or otherwise dispose of any public record without the consent of the public records administration program of the secretary of state.

§ 38-1-11 Assistance of the public records administration program. – The public records administration program of the secretary of state shall have the right to examine the condition of public records and shall give advice and assistance to public officials in the solution of their problems of preserving, creating, filing, and making available the public records in their custody. When requested by the program, public officials shall assist the program in the preparation of records control schedules of public records in their custody approved by the head

of the agency having custody of the records. Upon review and approval of the schedules by the program, the program shall, subject to the availability of necessary space, staff, and other facilities for those purposes, make available space in its record center for the filing of semi-current records so scheduled and in its public records repository for noncurrent records of permanent value and shall render other assistance as needed, including the microfilming of records so scheduled.

ACCESS TO PUBLIC RECORDS (RI GENERAL LAW, 38-2)

§ 38-2-1 Purpose. – The public's right to access to public records and the individual's right to dignity and privacy are both recognized to be principles of the utmost importance in a free society. The purpose of this chapter is to facilitate public access to public records. It is also the intent of this chapter to protect from disclosure information about particular individuals maintained in the files of public bodies when disclosure would constitute an unwarranted invasion of personal privacy.

§ 38-2-2 Definitions. – As used in this chapter:

(1) "Agency" or "public body" shall mean any executive, legislative, judicial, regulatory, or administrative body of the state, or any political subdivision thereof; including, but not limited to, any department, division, agency, commission, board, office, bureau, authority, any school, fire, or water district, or other agency of Rhode Island state or local government which exercises governmental functions, any authority as defined in § 42-35-1(b), or any other public or private agency, person, partnership, corporation, or business entity acting on behalf of and/or in place of any public agency.

(2) "Chief administrative officer" means the highest authority of the public body as defined in subsection (a) of this section.

(3) "Public business" means any matter over which the public body has supervision, control, jurisdiction, or advisory power.

(4) "Public record" or "public records" shall mean all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, magnetic or other tapes, electronic data processing records, computer stored data (including electronic mail messages, except specifically for any electronic mail messages of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities) or other material regardless of physical form or characteristics made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. For the purposes of this chapter, the following records shall not be deemed public:

(A) All records which are identifiable to an individual applicant for benefits, client, patient, student, or employee, including, but not limited to, personnel, medical treatment, welfare, employment security, pupil records, all records relating to a client/attorney

relationship and to a doctor/patient relationship, and all personal or medical information relating to an individual in any files, including information relating to medical or psychological facts, personal finances, welfare, employment security, student performance, or information in personnel files maintained to hire, evaluate, promote, or discipline any employee of a public body; provided, however, with respect to employees, the name, gross salary, salary range, total cost of paid fringe benefits, gross amount received in overtime, and other remuneration in addition to salary, job title, job description, dates of employment and positions held with the state or municipality, work location, business telephone number, the city or town of residence, and date of termination shall be public.

(II) Notwithstanding the provisions of this section, or any other provision of the general laws to the contrary, the pension records of all persons who are either current or retired members of the retirement systems established by the general laws as well as all persons who become members of those retirement systems after June 17, 1991 shall be open for public inspection. "Pension records" as used in this section shall include all records containing information concerning pension and retirement benefits of current and retired members of the retirement systems established in title 8, title 36, title 42, and title 45 and future members of said systems, including all records concerning retirement credits purchased and the ability of any member of the retirement system to purchase retirement credits, but excluding all information regarding the medical condition of any person and all information identifying the member's designated beneficiary or beneficiaries.

(B) Trade secrets and commercial or financial information obtained from a person, firm, or corporation which is of a privileged or confidential nature.

(C) Child custody and adoption records, records of illegitimate births, and records of juvenile proceedings before the family court.

(D) All records maintained by law enforcement agencies for criminal law enforcement and all records relating to the detection and investigation of crime, including those maintained on any individual or compiled in the course of a criminal investigation by any law enforcement agency. Provided, however, such records shall not be deemed public only to the extent that the disclosure of the records or information (a) could reasonably be expected to interfere with investigations of criminal activity or with enforcement proceedings, (b) would deprive a person of a right to a fair trial or an impartial adjudication, (c) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (d) could reasonably be expected to disclose the identity of a confidential source, including a state, local, or foreign agency or authority, or any private institution which furnished information on a confidential basis, or the information furnished by a confidential source, (e) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions or (f) could reasonably be expected to endanger the life or physical safety of any individual. Records relating to management and direction of a law enforcement agency and records or reports reflecting the initial arrest of an adult and the charge or charges brought against an adult shall be

public.

(E) Any records which would not be available by law or rule of court to an opposing party in litigation.

(F) Scientific and technological secrets and the security plans of military and law enforcement agencies, the disclosure of which would endanger the public welfare and security.

(G) Any records which disclose the identity of the contributor of a bona fide and lawful charitable contribution to the public body whenever public anonymity has been requested of the public body with respect to the contribution by the contributor.

(H) Reports and statements of strategy or negotiation involving labor negotiations or collective bargaining.

(I) Reports and statements of strategy or negotiation with respect to the investment or borrowing of public funds, until such time as those transactions are entered into.

(J) Any minutes of a meeting of a public body which are not required to be disclosed pursuant to chapter 46 of title 42.

(K) Preliminary drafts, notes, impressions, memoranda, working papers, and work products; provided, however, any documents submitted at a public meeting of a public body shall be deemed public.

(L) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment or promotion, or academic examinations; provided, however, that a person shall have the right to review the results of his or her examination.

(M) Correspondence of or to elected officials with or relating to those they represent and correspondence of or to elected officials in their official capacities.

(N) The contents of real estate appraisals, engineering, or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated or abandoned; provided the law of eminent domain shall not be affected by this provision.

(O) All tax returns.

(P) All investigatory records of public bodies, with the exception of law enforcement agencies, pertaining to possible violations of statute, rule, or regulation other than records of final actions taken provided that all records prior to formal notification of violations or noncompliance shall not be deemed to be public.

(S) Records, reports, opinions, information, and statements required to be kept confidential by federal law or regulation or state law, or rule of court.

(T) Judicial bodies are included in the definition only in respect to their administrative function provided that records kept pursuant to the provisions of chapter 16 of title 8 are exempt from the operation of this chapter.

(U) Library records which by themselves or when examined with other public records, would reveal the identity of the library user requesting, checking out, or using any library materials.

(V) Printouts from TELE – TEXT devices used by people who are deaf or hard of hearing or speech impaired.

(W) All records received by the insurance division of the department of business regulation from other states, either directly or through the National Association of Insurance Commissioners, if those records are accorded confidential treatment in that state. Nothing contained in this title or any other provision of law shall prevent or be construed as prohibiting the commissioner of insurance from disclosing otherwise confidential information to the insurance department of this or any other state or country, at any time, so long as the agency or office receiving the records agrees in writing to hold it confidential in a manner consistent with the laws of this state.

(X) Credit card account numbers in the possession of state or local government are confidential and shall not be deemed public records.

(Y) Any documentary material, answers to written interrogatories, or oral testimony provided under any subpoena issued under Rhode Island general law § 9-1.1-6.

(ii) However, any reasonably segregable portion of a public record excluded by this section shall be available for public inspections after the deletion of the information which is the basis of the exclusion, if disclosure of the segregable portion does not violate the intent of this section.

(5) "Supervisor of the regulatory body" means the chief or head of a section having enforcement responsibility for a particular statute or set of rules and regulations within a regulatory agency.

(6) "Prevailing plaintiff" means and shall include those persons and entities deemed prevailing parties pursuant to 42 U.S.C. § 1988.

§ 38-2-3 Right to inspect and copy records – Duty to maintain minutes of meetings – Procedures for access. – (a) Except as provided in § 38-2-2(4), all records maintained or kept on file by any public body, whether or not those records are required by any law or by any rule or regulation, shall be public records and every person or entity shall have the right to inspect

and/or copy those records at such reasonable time as may be determined by the custodian thereof.

(b) Each public body shall make, keep, and maintain written or recorded minutes of all meetings.

(c) Each public body shall establish procedures regarding access to public records but shall not require written requests for public information available pursuant to R.I.G.L. § 42-35-2 or for other documents prepared for or readily available to the public.

(d) If a public record is in active use or in storage and, therefore, not available at the time a person requests access, the custodian shall so inform the person and make an appointment for the citizen to examine such records as expeditiously as they may be made available.

(e) Any person or entity requesting copies of public records may elect to obtain them in any and all media in which the public agency is capable of providing them. Any public body which maintains its records in a computer storage system shall provide any data properly identified in a printout or other reasonable format, as requested.

(f) Nothing in this section shall be construed as requiring a public body to reorganize, consolidate, or compile data not maintained by the public body in the form requested at the time the request to inspect the public records was made except to the extent that such records are in an electronic format and the public body would not be unduly burdened in providing such data.

(g) Nothing in this section is intended to affect the public record status of information merely because it is stored in a computer.

(h) No public records shall be withheld based on the purpose for which the records are sought.

§ 38-2-3.1 Records required. – All records required to be maintained pursuant to this chapter shall not be replaced or supplemented with the product of a "real-time translation reporter".

§ 38-2-4 Cost. – (a) Subject to the provisions of § 38-2-3, a public body must allow copies to be made or provide copies of public records. The cost per copied page of written documents provided to the public shall not exceed fifteen cents ($.15) per page for documents copyable on common business or legal size paper. A public body may not charge more than the reasonable actual cost for providing electronic records.

(b) A reasonable charge may be made for the search or retrieval of documents. Hourly costs for a search and retrieval shall not exceed fifteen dollars ($15.00) per hour and no costs hall be charged for the first hour of a search or retrieval.

(c) Copies of documents shall be provided and the search and retrieval of documents accomplished within a reasonable time after a request. A public body shall provide an estimate of the costs of a request for documents prior to providing copies.

(d) Upon request, the public body shall provide a detailed itemization of the costs charged for search and retrieval.

(e) A court may reduce or waive the fees for costs charged for search or retrieval if it determines that the information requested is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

§ 38-2-5 Effect of chapter on broader agency publication – Existing rights – Judicial records and proceedings. – Nothing in this chapter shall be:

(1) Construed as preventing any public body from opening its records concerning the administration of the body to public inspection;

(2) Construed as limiting the right of access as it existed prior to July 1, 1979, of an individual who is the subject of a record to the information contained herein; or

(3) Deemed in any manner to affect the status of judicial records as they existed prior to July 1, 1979, nor to affect the rights of litigants in either criminal or civil proceedings, including parties to administrative proceedings, under the laws of discovery of this state.

§ 38-2-6 Commercial use of public records. – No person or business entity shall use information obtained from public records pursuant to this chapter to solicit for commercial purposes or to obtain a commercial advantage over the party furnishing that information to the public body. Anyone who knowingly and willfully violates the provision of this section shall, in addition to any civil liability, be punished by a fine of not more than five hundred dollars ($500) and/or imprisonment for no longer than one year.

§ 38-2-7 Denial of access. – (a) Any denial of the right to inspect or copy records provided for under this chapter shall be made to the person or entity requesting the right by the public body official who has custody or control of the public record in writing giving the specific reasons for the denial within ten (10) business days of the request and indicating the procedures for appealing the denial. Except for good cause shown, any reason not specifically set forth in the denial shall be deemed waived by the public body.

(b) Failure to comply with a request to inspect or copy the public record within the ten (10) business day period shall be deemed to be a denial. Except that for good cause, this limit may be extended for a period not to exceed thirty (30) business days.

§ 38-2-8 Administrative appeals. – (a) Any person or entity denied the right to inspect a record of a public body by the custodian of the record may petition the chief administrative officer of that public body for a review of the determinations made by his or her subordinate. The chief administrative officer shall make a final determination whether or not to allow public inspection within ten (10) business days after the submission of the review petition.

(b) If the chief administrative officer determines that the record is not subject to public inspection, the person or entity seeking disclosure may file a complaint with the attorney general. The attorney general shall investigate the complaint and if the attorney general shall determine that the allegations of the complaint are meritorious, he or she may institute proceedings for injunctive or declaratory relief on behalf of the complainant in the superior court of the county where the record is maintained. Nothing within this section shall prohibit any individual or entity from retaining private counsel for the purpose of instituting proceedings for injunctive or declaratory relief in the superior court of the county where the record is maintained.

(c) The attorney general shall consider all complaints filed under this chapter to have also been filed pursuant to the provisions of § 42-46-8(a), if applicable.

(d) Nothing within this section shall prohibit the attorney general from initiating a complaint on behalf of the public interest.

§ 38-2-9 Jurisdiction of superior court. – (a) Jurisdiction to hear and determine civil actions brought under this chapter is hereby vested in the superior court.

(b) The court may examine any record which is the subject of a suit in camera to determine whether the record or any part thereof may be withheld from public inspection under the terms of this chapter.

(c) Actions brought under this chapter may be advanced on the calendar upon motion of any party, or sua sponte by the court made in accordance with the rules of civil procedure of the superior court.

(d) The court shall impose a civil fine not exceeding one thousand dollars ($1,000) against a public body or official found to have committed a knowing and willful violation of this chapter, and shall award reasonable attorney fees and costs to the prevailing plaintiff. The court shall further order a public body found to have wrongfully denied access to public records to provide the records at no cost to the prevailing party; provided, further, that in the event that the court, having found in favor of the defendant, finds further that the plaintiff's case lacked a grounding in fact or in existing law or in good faith argument for the extension, modification, or reversal of existing law, the court may award attorneys fees and costs to the prevailing defendant.

§ 38-2-10 Burden of proof. – In all actions brought under this chapter, the burden shall be on the public body to demonstrate that the record in dispute can be properly withheld from public inspection under the terms of this chapter.

§ 38-2-11 Right supplemental. – The right of the public to inspect public records created by this chapter shall be in addition to any other right to inspect records maintained by public bodies.

§ 38-2-12 Severability. – If any provision of this chapter is held unconstitutional, the decision shall not affect the validity of the remainder of this chapter. If the application of this chapter to a particular record is held invalid, the decision shall not affect other applications of this chapter.

§ 38-2-13 Records access continuing. – All records initially deemed to be public records which any person may inspect and/or copy under the provisions of this chapter, shall continue to be so deemed whether or not subsequent court action or investigations are held pertaining to the matters contained in the records.

§ 38-2-14 Information relating to settlement of legal claims. – Settlement agreements of any legal claims against a governmental entity shall be deemed public records.

§ 38-2-15 Reported violations. – Every year the attorney general shall prepare a report summarizing all the complaints received pursuant to this chapter, which shall be submitted to the legislature and which shall include information as to how many complaints were found to be meritorious and the action taken by the attorney general in response to those complaints.

ETHICS LAW (RI General Law, 36-14)

§ 36-14-1 Declaration of policy. – It is the policy of the state of Rhode Island that public officials and employees must adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable, responsive, avoid the appearance of impropriety, and not use their position for private gain or advantage.

§ 36-14-2 Definitions. – As used in this chapter:

(1) "Any person within his or her family" means a spouse and any dependent children of any public official or public employee as well as a person who is related to any public official or public employee, whether by blood, adoption or marriage, as any of the following: father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother or half-sister;

(2) "Business" means a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust, or any other entity recognized in law through which business for profit or not for profit is conducted;

(3) "Business associate" means a person joined together with another person to achieve a common financial objective;

(4) ”Employees of state and local government, of boards, commissions and agencies" means any full time or part time employees in the classified, nonclassified and unclassified service of the state or of any city or town within the state, any individuals serving in any appointed state or municipal position, and any employees of any public or quasi-public state or municipal board, commission, or corporation;

(5) "Governmental function" means any action that is public in nature and is performed for the common good of all the people;

(6) "Open and public process" means the open solicitation for bids or proposals from the general public by public announcement or public advertising followed by a public disclosure of all bids or proposals considered and contracts awarded;

(7) "Person" means an individual or a business entity;

(8) "State agency" means any department, division, agency, commission, board, office, bureau, authority, or quasi-public authority within Rhode Island, either branch of the the Rhode Island general assembly, or an agency or committee thereof, the judiciary, or any other agency that is in any branch of Rhode Island state government and which exercises governmental functions other than in an advisory nature;

(ii) "Municipal agency" means any department, division, agency, commission, board, office, bureau, authority, quasi-public authority, or school, fire or water district within Rhode Island other than a state agency and any other agency that is in any branch of municipal government and exercises governmental functions other than in an advisory nature;

(9) "State or municipal appointed official" means any officer or member of a state or municipal agency as defined herein who is appointed for a term of office specified by the constitution or a statute of this state or a charter or ordinance of any city or town or who is appointed by or through the governing body or highest official of state or municipal government;

(10) "State or municipal elected official" means any person holding any elective public office pursuant to a general or special election;

(11) A person's natural child, adopted child, or stepchild is his or her "dependent child" during a calendar year if the person provides over fifty percent (50%) of the child's support during the year;

(12) A person "represents" him or herself before a state or municipal agency if he or she participates in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in his or her own favor;

(13) A person "represents" another person before a state or municipal agency if he or she is authorized by that other person to act, and does in fact act, as that other person's attorney at law or his or her attorney in fact in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in favor of that other person.

(14) "Major decision-making position" means the executive or administrative head or heads of a state agency, whether elected or appointed or serving as an employee and all members of the judiciary, both state and municipal. For state agencies, a "major decision-making position" shall include the positions of deputy director, executive director, assistant director and chief of staff.

§ 36-14-3 Code of ethics. – Sections 36-14-4 – 36-14-7 shall constitute the Rhode Island code of ethics in government.

§ 36-14-4 Persons subject to the code of ethics. – The following persons shall be subject to the provisions of the Rhode Island code of ethics in government:

(1) State and municipal elected officials;

(2) State and municipal appointed officials; and

(3) Employees of state and local government, boards, commissions, and agencies.

§ 36-14-5 Prohibited activities. – (a) No person subject to this code of ethics shall have any interest, financial or otherwise, direct or indirect, or engage in any business, employment, transaction, or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his or her duties or employment in the public interest and of his or her responsibilities as prescribed in the laws of this state, as defined in § 36-14-7.

(b) No person subject to this code of ethics shall accept other employment which will either impair his or her independence of judgment as to his or her official duties or employment or require him or her, or induce him or her, to disclose confidential information acquired by him or her in the course of and by reason of his or her official duties.

(c) No person subject to this code of ethics shall willfully and knowingly disclose, for pecuniary gain, to any other person, confidential information acquired by him or her in the course of and by reason of his or her official duties or employment or use any information for the purpose of pecuniary gain.

(d) No person subject to this code of ethics shall use in any way his or her public office or confidential information received through his or her holding any public office to obtain financial gain, other than that provided by law, for him or herself or any person within his or

her family, any business associate, or any business by which the person is employed or which the person represents.

(e) No person subject to this code of ethics shall:

(1) Represent him or herself before any state or municipal agency of which he or she is a member or by which he or she is employed. In cases of hardship, the ethics commission may permit such representation upon application by the official provided that he or she shall first:

(i) Advise the state or municipal agency in writing of the existence and the nature of his or her interest in the matter at issue;

(ii) Recuse him or herself from voting on or otherwise participating in the agency's consideration and disposition of the matter at issue; and

(iii) Follow any other recommendations the ethics commission may make to avoid any appearance of impropriety in the matter.

(2) Represent any other person before any state or municipal agency of which he or she is a member or by which he or she is employed.

(3) Act as an expert witness before any state or municipal agency of which he or she is a member or by which he or she is employed with respect to any matter the agency's disposition of which will or can reasonably be expected to directly result in an economic benefit or detriment to him or herself, or any person within his or her family, or any business associate of the person, or any business by which that person is employed or which the person represents.

(4) Shall engage in any of the activities prohibited by subsection (e)(1), (e)(2), or (e)(3) of this section for a period of one year after he or she has officially severed his or her position with said state or municipal agency; provided, however, that this prohibition shall not pertain to a matter of public record in a court of law.

(f) No business associate of any person subject to this code of ethics shall represent him or herself or any other person, or act as an expert witness before the state or municipal agency of which the person is a member or by which the person is employed unless:

(1) He or she shall first advise the state or municipal agency of the nature of his or her business relationship with the person subject to this code of ethics; and

(2) The person subject to this code of ethics shall recuse him or herself from voting on or otherwise participating in the agency's consideration and disposition of the matter at issue.

(g) No person subject to this code of ethics, or spouse (if not estranged), dependent child, or

business associate of the person, or any business by which the person is employed or which the person represents, shall solicit or accept any gift, loan, political contribution, reward, or promise of future employment based on any understanding that the vote, official action, or judgment of the person would be influenced thereby.

(h) No person subject to this code of ethics, or any person within his or her family or business associate of the person, or any business entity in which the person or any person within his or her family or business associate of the person has a ten percent (10%) or greater equity interest or five thousand dollars ($5,000) or greater cash value interest, shall enter into any contract with any state or municipal agency unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded; provided, however, that contracts for professional services which have been customarily awarded without competitive bidding shall not be subject to competitive bidding if awarded through a process of public notice and disclosure of financial details.

(i) No person shall give or offer to any person covered by this code of ethics, or to any candidate for public office, or to any person within his or her family or business associate of any person, or to any business by which the person is employed or which the person represents, any gift, loan, political contribution, reward, or promise of future employment based on any understanding or expectation that the vote, official action, or judgment of the person would be influenced thereby.

(j) No person shall use for any commercial purpose information copied from any statements required by this chapter or from lists compiled from the statements.

(k) No person shall knowingly and willfully make a false or frivolous complaint under this chapter.

(l) No candidate for public office, or any person within his or her family, business associate of the candidate, or any business by which the candidate is employed or which the candidate represents, shall solicit or accept any gift, loan, political contribution, reward, or promise of future employment based on any understanding that the vote, official action, or judgment of the candidate would be influenced thereby.

(m) No person subject to this code of ethics shall, either directly or indirectly, through any government agency, or through a business associate, or through any other person, threaten or intimidate any complainant or witness or any family member of any complainant or witness in any proceeding before the state ethics commission.

(1) In addition to any rights a complainant or witness may have under the Rhode Island Whistleblowers' Protection Act, chapter 50 of title 28 or under any other statute, a complainant or witness may bring a civil action in superior court for appropriate injunctive relief, or actual damages, or both and attorney's fees within three (3) years after the occurrence of the alleged violation of subsection (m) above.

(2) The initiation of litigation by a complainant or witness pursuant to subsection (m)(1) shall not constitute a violation of any confidentiality provisions of this chapter.

(n) No state elected official, while holding state office and for a period of one year after leaving state office, shall seek or accept employment with any other state agency, as defined in § 36-14-2(8)(i), other than employment which was held at the time of the official's election or at the time of enactment of this subsection, except as provided herein.

(2) Nothing contained herein shall prohibit any general officer or the general assembly from appointing any state elected official to a senior policy-making, discretionary, or confidential position on the general officer's or the general assembly's staff, and in the case of the governor, to a position as a department director; nor shall the provisions herein prohibit any state elected official from seeking or accepting a senior policy-making, discretionary, or confidential position on any general officer's or the general assembly's staff, or from seeking or accepting appointment as a department director by the governor.

(3) Nothing contained herein shall prohibit a state elected official from seeking or being elected for any other constitutional office.

(4) Nothing contained herein shall prohibit the Rhode Island ethics commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

(o) No person holding a senior policy-making, discretionary, or confidential position on the staff of any state elected official or the general assembly shall seek or accept any other employment by any state agency as defined in § 36-14-2(8)(i), while serving as such policy-making, discretionary, or confidential staff member and for a period of one year after leaving that state employment as a member of the state elected official's or the general assembly's senior policy-making, discretionary, or confidential staff.

(2) Notwithstanding the foregoing, a person holding a senior policy-making, discretionary, or confidential staff position who has a minimum of five (5) years of uninterrupted state service shall be exempt from the provisions of this section. "State service" as used herein means service in the classified, unclassified and nonclassified services of the state, but shall not include service in any state elective office.

(3) Nothing contained herein shall prohibit any general officer or the general assembly from appointing any such senior policy-making, discretionary, or confidential member of the staff of any state elected official or the general assembly to any other senior policymaking, discretionary, or confidential position on any general officer's or the general assembly's staff, and in the case of the governor, to a position as a department director; nor shall the provisions

hereof prohibit any senior policy-making, discretionary, or confidential member of the staff of any state elected official or the general assembly from seeking or accepting any other senior policy-making, discretionary, or confidential position on any general officer's or the general assembly's staff, or from seeking or accepting appointment as a department director by the governor.

(4) Nothing contained herein shall prohibit a person holding a senior policy-making, discretionary, or confidential staff position from seeking or being elected for any constitutional office.

(5) Nothing contained herein shall prohibit the Rhode Island ethics commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

§ 36-14-6 Statement of conflict of interest. – Any person subject to this code of ethics who, in the discharge of his or her official duties, is or may be required to take an action, make a decision, or refrain therefrom that will or can reasonably be expected to directly result in an economic benefit to the person, or spouse (if not estranged), or any dependent child of the person, or business associate or any business by which the person is employed or which the person represents, shall, before taking any such action or refraining therefrom:

(1) Prepare a written statement sworn to under the penalties for perjury describing the matter requiring action and the nature of the potential conflict; if he or she is a member of a legislative body and he or she does not request that he or she be excused from voting, deliberating, or taking action on the matter, the statement shall state why, despite the potential conflict, he or she is able to vote and otherwise participate fairly, objectively, and in the public interest; and

(2) Deliver a copy of the statement to the commission, and:

(i) If he or she is a member of the general assembly or of any city or town legislative body, he or she shall deliver a copy of the statement to the presiding officer of the body, who shall cause the statement to be recorded in the journal of the body and, upon request of the member, may excuse the member from votes, deliberations, or any other action on the matter on which a potential conflict exists; or

(ii) If the person is not a legislator, his or her superior, if any, shall, if reasonably possible, assign the matter to another person who does not have a conflict of interest. If he or she has no immediate superior, he or she shall take such steps as the commission shall prescribe through rules or regulations to remove him or herself from influence over any action on the matter on which the conflict of interest exists.

§ 36-14-7 Interest in conflict with discharge of duties. – (a) A person subject to this code of ethics has an interest which is in substantial conflict with the proper discharge of his or her duties or employment in the public interest and of his or her responsibilities as prescribed in the laws of this state, if he or she has reason to believe or expect that he or she or any person within his or her family or any business associate, or any business by which the person is employed or which the person represents will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his or her official activity.

(b) A person subject to this code of ethics does not have an interest which is in substantial conflict with the proper discharge of his or her duties in the public interest and of his or her responsibilities as prescribed by the laws of this state, if any benefit or detriment accrues to him or her or any person within his or her family or any business associate, or any business by which the person is employed or which the person represents, as a member of a business, profession, occupation, or group, or of any significant and definable class of persons within the business, profession, occupation, or group, to no greater extent than any other similarly situated member of the business, profession, occupation, or group, or of the significant and definable class of persons within the business, profession, occupation or group.

§ 36-14-8 Rhode Island ethics commission – Establishment – Members – Vacancies – Quorum – Compensation and quarters. – (a) There is hereby established an independent and nonpartisan Rhode Island ethics commission composed of nine (9) members appointed by the governor. The president of the senate, the minority leader of the senate, the speaker of the house of representatives, the majority leader of the house of representatives, and the minority leader of the house of representatives shall, within twenty (20) days of July 21, 1992, each submit to the governor a list of names of at least five (5) individuals. The governor shall, within forty (40) days of July 21, 1992, appoint one individual from each of the lists so submitted and four (4) individuals without regard to the lists submitted by the legislative leaders.

(b) Members of the commission shall serve for terms of five (5) years, except that, of the members first appointed:

(1) The individual appointed from the list submitted by the majority leader of the house of representatives shall serve for one year;

(2) The individuals appointed from the lists submitted by the minority leader of the senate and one of the individuals appointed by the governor without regard to the lists submitted by the legislative leaders shall serve for two (2) years;

(3) The individual appointed from the list submitted by the minority leader of the house of representatives and one of the individuals appointed by the governor without regard to the lists submitted by the legislative leaders shall serve for three (3) years;

(4) The individual appointed from the list submitted by the president of the senate

and one of the individuals appointed from the list submitted by the minority leader of the house of representatives shall serve for four (4) years; and

(5) The individual appointed from the list submitted by the speaker of the house of representatives and one of the individuals appointed from the list submitted by the minority leader of the senate shall serve for five (5) years.

(c) No member shall be appointed for more than one full five (5) year term; provided, however, that each member shall continue to serve until his or her successor is appointed and qualified; and, provided further, that if, at the time of the expiration of any member's term, that member is actively engaged in the adjudication of a complaint, he or she shall continue to serve in that capacity until the commission has completed its responsibilities with respect to that complaint.

(d) The governor shall, at the time of the initial appointments to the commission, designate one member to act as chairperson of the commission for a period of one year and another to act as vice chairperson of the commission for a period of one year. Thereafter, the commission shall elect a chairperson and a vice chairperson. The vice chairperson shall act as chairperson in the absence of the chairperson or in the event of a vacancy in that position.

(e) Any vacancy on the commission, occurring for any reason prior to the expiration of the term, shall be filled for the unexpired term by the appointing authority in the same manner as the original appointment within thirty (30) days of the vacancy occurring.

(f) No individual, while a member or employee of the commission, including any legal counsel engaged by the commission, shall:

(1) Hold or campaign for any other public office;

(2) Hold office in any political party or political committee;

(3) Participate in or contribute to any political campaign;

(4) Directly or indirectly attempt to influence any decision by a governmental body, other than as the duly authorized representative of the commission on a matter within the jurisdiction of the commission;

(5) Have held elective public office or have been a candidate for elective public office for a one year period prior to appointment.

(6) Have any equity interest or ownership interest in, or be employed by a business entity that derives any of its revenue or income by engaging in lobbying, as defined in chapter 22-10 and chapter 42-139.

(g) The governor shall declare vacant the position on the commission of any member who takes part in activities prohibited by subsection (f) of this section. An individual appointed to fill a

vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member he or she succeeds, and is eligible for appointment to one full five-year term thereafter. Any vacancy occurring on the commission shall be filled within thirty (30) days in the manner in which that position was originally filled.

(h) For any action to be taken under the terms of this chapter by the full commission, five (5) members of the commission shall constitute a quorum.

(i) Commission members shall not be compensated for attendance at meetings of the commission or of any investigating committee or adjudicative panel of the commission.

(j) All departments and agencies of the state or of any city or town or political subdivision within this state shall furnish such advice or information documentary or otherwise, to the commission and its agents as is deemed necessary or desirable by the commission to facilitate the purposes of this chapter.

(k) The director of administration is hereby authorized and directed to provide suitable quarters for the commission.

(l) When commission members act in good faith within the scope of their authority and in their official capacities they shall be afforded protection against civil liability as provided in § 9-1-31.1.

§ 36-14-9 Administrative powers of the commission. – (a) The commission is hereby empowered to:

(1) Engage the services of an executive director and of other legal, secretarial, and investigative employees, who shall be bound by the prohibitions contained in § 36-14-8(f), and to make such other expenditures as are necessary for the effective performance of its functions;

(2) Separately retain the services of independent legal counsel who shall be bound by the prohibitions contained in § 36-14-8(f) and who shall remain independent of the executive director and other commission employees;

(3) Prescribe and publish, after notice and public hearings, rules and regulations to carry out the provisions of this chapter;

(4) Prescribe forms for statements and reports required to be filed by this chapter and furnish the forms to persons required to file statements and reports;

(5) Prepare and publish a manual setting forth recommended uniform methods of accounting and reporting for use by persons required to file statements and reports by this chapter;

(6) Accept and file any information voluntarily supplied that exceeds the

requirements of this chapter;

(7) Compile and maintain an index of all reports and statements filed with the commission to facilitate public access to the reports and statements;

(8) Prepare and publish quarterly and annually summaries of statements and reports filed with the commission;

(9) Review all statements and reports filed with the commission in order to ascertain whether any person has failed to file a required statement or has filed a deficient statement;

(10) Preserve statements and reports filed with the commission for a period of five (5) years from date of receipt;

(11) Prepare and publish special reports and technical studies to further the purposes of this chapter;

(12) Prepare and publish, prior to April 1 of each year, an annual report summarizing the activities of the commission, including, but not limited to, the:

(i) Number of disclosure statements filed;

(ii) Subjects of advisory opinions requested and issued;

(iii) Number of complaints filed, investigated and/or adjudicated;

(13) Have a seal and the members, executive director, and assistant clerks thereof shall have authority and power to administer oaths and affirmations;

(14) Educate public officials, employees, and citizens on ethical standards as embodied in the code of ethics by holding regular workshops, seminars, and the like, focusing on the specifics of the code of ethics and compliance therewith;

(15) Create publications to explain the ethical conduct expected of officials and employees.

(b) The rulemaking power conferred by subsection (a)(3) of this section shall be subject to, and shall be exercised in conformity with, §§ 42-35-2 – 42-35-7.

(c) Unless specifically prohibited, the commission shall make statements and reports filed with the commission available for public inspection and copying during regular office hours and make copying facilities available at a charge not to exceed actual cost.

§ 36-14-10 Educational powers of the commission. – (a) The commission is hereby empowered to establish and implement an educational program for the purpose of educating public officials and employees and the general public about the ethical standards embodied in the Rhode Island code of ethics in government, which program may include the preparation and dissemination of brochures, other publications and the conduct of workshops and seminars.

(b) The educational program authorized by this section shall be established by the commission in the exercise of the rulemaking authority conferred by § 36-14-9(a)(3).

(c) The commission may, by rule or regulation, delegate to its executive director (or other designated employee) such authority as it may deem necessary for the implementation of the educational program authorized by this section.

§ 36-14-10.1 Continuing ethics education. – The commission shall periodically provide a continuing education program on the Rhode Island code of ethics and related laws for major state decision-makers. The program shall be provided at least twice annually and shall consist of continuing education units as established by commission rule and which may be offered through an interactive web-based format. The commission shall provide participants with certificates showing the date and number of continuing education units completed.

§ 36-14-11 Advisory powers of the commission. – (a) The commission is hereby empowered to issue, at the request of any person covered by the Rhode Island code of ethics in government, advisory opinions on the requirements of this chapter.

(b) Any advisory opinion rendered pursuant to this section must be approved, prior to issuance, by a majority of the members of the commission.

(c) Any advisory opinion rendered by the commission, until amended or revoked by a majority vote of the commission, shall be binding on the commission in any subsequent proceedings concerning the person who requested the opinion and who acted in reliance on it in good faith, unless material facts were omitted or misstated by the person in the request for the opinion.

§ 36-14-12 Investigative powers of the commission. – (a) The commission is hereby empowered to investigate allegations of violations of the provisions of this chapter and, in furtherance of any investigation, the commission shall have the power to:

(1) Compel the attendance of witnesses and require the production of evidence; and

(2) Take oral or written evidence under oath or affirmation.

(b) Any person, including any member of the commission, may file with the commission a complaint alleging a violation of this chapter. Any complaint filed with the commission shall be a statement in writing under oath which shall include the name of the person alleged to have committed the violation and which shall set forth in detail the specific act or acts complained of. The commission shall, within seventy-two (72) hours of the filing of

any complaint, cause a copy of that complaint to be served, by certified mail, return receipt requested, upon any person alleged in the complaint to have committed a violation of this chapter.

(c) Upon receipt of a written complaint alleging a violation of this chapter, the commission shall within one hundred eighty (180) days of receipt of the written complaint complete its investigation; provided that, the commission may, for good cause shown, grant no more than two (2) extensions of sixty (60) days each.

(1) If the commission determines that the verified complaint does not allege facts sufficient to constitute a knowing and willful violation of any of the provisions of this chapter, it shall dismiss the complaint and notify the complainant and the respondent of the dismissal. The contents and substance of any complaint so dismissed, any answer thereto, and the notice of dismissal shall be made public.

(2) If the commission determines that the verified complaint alleges facts sufficient to constitute a violation of any of the provisions of this chapter, the commission shall promptly investigate the allegations contained in the complaint, make a finding on the complaint, and any amendment thereto.

(3) If the commission finds after its preliminary investigation that probable cause does not exist to support the allegations of the complaint, the commission shall dismiss the complaint and notify the complainant and the respondent of the dismissal. The contents and substance of any complaint so dismissed, any answer thereto, and the notice of dismissal shall be made public.

(4) If the commission finds that probable cause does exist to support the allegations of the complaint, it shall prepare written findings which shall state in detail the violations complained of and the manner in which they occurred and shall fix a time for hearing on the matter; provided, however, that, before it issues any findings, the commission shall permit the respondent to submit a written statement and/or to appear in person or by counsel for the purpose of presenting arguments and/or written evidence in response to the allegations against him or her. The respondent shall be entitled to examine and make copies of all evidence in the possession of the commission relating to the complaint. Upon the issuance of any findings, the commission shall notify the complainant and the respondent of its action.

(5) If the commission, during the course of its investigation, has probable cause to believe that violations of this chapter, other than those contained in the complaint, have been committed, it may, upon its own motion, amend the complaint to include the violations. The commission shall, within seventy-two (72) hours of any amendment, cause a copy of the amended complaint to be served, by certified mail, return receipt requested, upon any person alleged in the amended complaint to have committed a violation of this chapter. Any person alleged by an amended complaint to have committed a violation of this chapter

shall be afforded a reasonable opportunity to respond to the allegations contained therein.

(6) Nothing in this section shall be construed to authorize the commission to make any of its investigatory records public.

(d) The commission, upon a finding pursuant to this section that there fails to exist probable cause for a violation of this chapter, shall issue an order dismissing the complaint, and if it finds the complaint to be frivolous, unreasonable, or groundless, the commission shall require the person filing the complaint to pay a civil penalty of not more than five thousand dollars ($5,000), all or part of which may be paid to the subject of the complaint in reimbursement of said subject's reasonable expenses of defense.

§ 36-14-13 Adjudicative powers of the commission. – (a) The commission is hereby empowered to adjudicate the merits of allegations of violations of the Rhode Island code of ethics.

(1) At such a hearing the commission shall have the power to compel the attendance of witnesses, require the production of evidence, and take oral or written evidence under oath or affirmation;

(2) Each party shall have the right to be represented by legal counsel; to conduct discovery pursuant to rules, adopted by the commission in the exercise of its rulemaking authority, which shall provide for the prompt and early exchange of relevant information and otherwise protect each party from unfair surprise during the course of the proceedings; to compel attendance of witnesses; to examine and cross examine opposing witnesses; to introduce exhibits and otherwise to present any matters to the commission relevant to the complaint;

(3) Oral evidence shall be taken only on oath or affirmation;

(4) There shall be a presumption of innocence on the part of any person alleged to have violated the provisions of this chapter and the burden of proving that the person has violated the provisions of this chapter shall be upon those who allege the violation or violations;

(5) The hearing shall be open to the public;

(6) Objections to the introduction of evidence may be made and shall be noted in the record;

(7) A stenographic record shall be made of all hearings conducted under the provisions of this section;

(8) At the conclusion of proceedings concerning an alleged violation, the commission shall immediately begin deliberations on the evidence and then

proceed to determine whether there has been a knowing and willful violation of this chapter;

(9) No persons, other than members of the commission, and independent legal counsel for the limited purpose provided for herein, shall be present during the deliberations of the commission following any hearing conducted under this section. Counsel may not participate in deliberations of the commission. Counsel's sole function shall be to respond to questions of law posed by commission members. A written record shall be maintained of the questions posed to counsel and counsel's responses, which shall become part of the record of proceedings.

(b) In order for the commission to hold a hearing there must be a quorum of five (5) members. For every two (2) members who must recuse themselves from taking part in a hearing due to a conflict, the number needed for a quorum shall be reduced by one.

(c) In order for the commission to find that there has been a knowing and willful violation of this chapter it shall be necessary that a majority of those commissioners who attended all hearings, but in no case fewer than three (3) of the members of the commission shall vote in the affirmative to so find.

(d) The commission, upon a finding pursuant to this section that there has been a violation of this chapter, shall issue an order by which it may:

(1) Require that the violator cease and desist violating the provisions of this chapter;

(2) Require that the violator file any report, statement, or other information as required by this chapter;

(3) Require that the violator pay a civil penalty of not more than twenty-five thousand dollars ($25,000) for each violation of this chapter and the pecuniary value of any unjust enrichment realized by the violator as the result of his or her violation of this chapter;

(4) Refer the entire record of its proceedings to the attorney general; and/or

(5) Remove the violator from his or her office or position in accordance with the provisions of § 36-14-14, provided the violator is not subject to impeachment.

(e) The commission shall, in the exercise of the rulemaking authority conferred by § 36-14-9(a)(3), promulgate rules and regulations, consistent with the provisions of this section, for the conduct of adjudicative hearings before any adjudicative panel of the commission.

(f) Except in those cases referred to the attorney general pursuant to subsection (d)(4) of this section, a final decision of the commission and the record of proceedings before the commission upon which the final decision is based shall be made public by the commission

within thirty (30) days after the final decision is rendered.

(g) The commission, upon a finding pursuant to this section that there has not been a violation of this chapter, shall issue an order dismissing the complaint, and if it finds the complaint to be frivolous, unreasonable, or groundless, the commission shall require the person filing the complaint to pay a civil penalty of not more than five thousand dollars ($5,000), all or part of which may be paid to the subject of the complaint in reimbursement of said subject's reasonable expense of defense.

§ 36-14-14 Removal powers of the commission. – (a) The commission is hereby empowered to remove from office any state or municipal elected official or any state or municipal appointed official not subject to impeachment in accordance with the provisions of subsections (b) through (d) of this section.

(b) Any state or municipal elected official and any state or municipal appointed official not subject to impeachment may be removed from office if:

(1) The commission has found, after an adjudicative hearing conducted in accordance with § 36-14-13, that the official has been guilty of a serious, knowing, and willful violation of § 36-14-5(c), 36-14-5(d), or 36-14-5(g); and

(2) The commission determines that the violation was committed by the violator either with (i) fraudulent intent to secure the unjust enrichment of him or herself or another person or (ii) malicious intent to inflict pecuniary or other substantial injury upon another person.

(c) If it determines that such a violation has been committed, it shall conduct a hearing at which the executive director of the commission or his or her designee and the respondent or his or her counsel shall be permitted to pursue additional evidence and arguments relevant to (i) the presence or absence of the specific intent required by subsection (b)(2) of this section as a prerequisite to removal of an official from office, and (ii) the presence or absence of aggravating or mitigating circumstances of which the commission should be aware in rendering its final decision.

(d) The removal power conferred by this section may be exercised only by the affirmative vote of two-thirds (2/3) of the membership of the commission eligible to participate, but in no case fewer than five (5) affirmative votes.

§ 36-14-15 Judicial review. – Any action by the commission made pursuant to this chapter shall be subject to review pursuant to chapter 35 of title 42.

§ 36-14-16 Financial statement to be filed. – (a) On or before the last Friday in April of each year, the following officials and employees subject to this code of ethics shall file with the commission a financial statement complying with the requirements of this chapter.

(1) All state elected officials;

(2) All state appointed officials;

(3) All state appointed officials and employees who hold a major decision-making position in a state agency;

(4) All municipal elected officials; and

(5) All municipal appointed officials whose official duties and responsibilities include exercising decision-making authority over the expenditure of more than fifty thousand dollars ($50,000) in public funds in any fiscal or calendar year, and expressly including solicitors and assistant solicitors, police chiefs, fire chiefs, superintendents of schools, principals, superintendents and administrators of charter schools, board members of charter schools, principals, superintendents and administrators of state schools, board members of state schools, building inspectors, members of planning boards, zoning boards, licensing boards and tax appeal boards. This subsection shall also include all municipal appointed officials whose official duties and responsibilities include nominating, appointing or hiring any persons that will receive compensation of more than fifty thousand dollars ($50,000) in public funds in any fiscal or calendar year.

(b) In the case of state and municipal appointed officials on and after January 1, 1988, the appointee shall file the financial statement within thirty (30) days after the date of his or her appointment or the date he or she qualifies for the office; provided, however, that in the case of the appointment of officials that require senate confirmation, the appointee shall file the financial statement with the appropriate senate committee prior to the institution of those confirmation proceedings.

(c) Within thirty (30) days after the filing deadline, every person who is a candidate for an office as an elected officer, except those candidates for moderator and clerk of a voting district of the cities and towns, shall file the financial statement as required by this chapter. Filings of candidates for general office shall include information as required in subdivision 36-14-17(b)(2). The commission shall grant an extension for good cause shown of not more than fifteen (15) days, provided a request for the extension is received prior to the filing deadline for the financial statement.

(d) Except as otherwise provided in this chapter, at least thirty (30) days before the deadline date for the filing of a financial statement by each individual required to file, the commission shall mail to the individual a copy of the financial statement form. In the case of candidates other than those covered by subsection (f) of this section, the forms shall be mailed within ten (10) days after the filing deadline date. In the case of appointed officers covered by this section, the forms shall be mailed within seven (7) days after the date of the appointment.

(e) If a person has filed a financial statement as required by one subsection of this section

covering the preceding calendar year, he or she is not required to file a financial statement as required by another subsection if, before the deadline for filing under the other subsection, he or she notifies the commission in writing that he or she has already filed a financial statement under the subsection specified.

(f) A person required to file a financial statement under subsection (a) of this section may request the commission to grant an extension of time of not more than sixty (60) days for filing the statement. The commission shall grant the extension of not more than sixty (60) days if the request is received prior to the filing deadline or if a timely filing or request for extension is prevented because of physical or mental incapacity. Not more than one extension may be given to a person in one year except for good cause shown.

(g) The deadline for filing any statement required by this section is 5:00 P.M. of the last day designated in the pertinent subsection of this section for filing the statement. When the last day of filing falls on a Saturday or Sunday or an official state holiday, the deadline for filing is extended to 5:00 P.M. of the next day which is not a Saturday or Sunday or holiday. Any statement required by any provision of this section to be filed within a specified time period shall be deemed to be timely filed if it is placed in the United States post office or in the hands of a common or contract carrier properly addressed to the appropriate authority within the time limits applicable to the statement. The postmark or receipt mark (if received by a common or contract carrier) will be prima facie evidence of the date that the statement was deposited with the post office or carrier. The person filing the statement may show by competent evidence that the actual date of posting was to the contrary.

§ 36-14-17 Content of financial statement. – (a) The financial statement required herein shall be on a form prescribed by the commission and shall include the account of the financial activity of the person required to file the statement by this chapter, the financial activity of his or her spouse (if not estranged), and any dependent children for the preceding calendar year.

(b) The account of financial activity referred to in subsection (a) of this section shall consist of:

(1) If he or she or any person enumerated in subsection (a) of this section or a business entity in which he or she or any person enumerated as aforesaid held a ten percent (10%) or greater equity interest or five thousand dollars ($5,000) or greater cash value interest at any time during the calendar year for which the statement is required has done business with a state or municipal agency or a business which is subject to direct regulation greater than of a de minimus nature by a state or municipal agency, and if so, the date and nature of the business;

(2) A list of all sources of occupational income identified by employer or, if self employed, by the nature of occupation or profession, and if income was received from a state or municipal agency, the name and address of the agency and the nature of the services rendered; however, general officers, as defined in section 17-2-1, shall list all sources and amounts of income in excess of two hundred dollars ($200) according to the following categories:

(i) not more than $1000

(ii) greater than $1000 but no more than $10,000

(iii) greater than $10,000 but no more than $25,000

(iv) greater than $25,000 but no more than $50,000

(v) greater than $50,000 but no more than $100,000

(vi) greater than $100,000 but no more than $200,000

(vii) greater than $200,000 but no more than $500,000

(viii) greater than $500,000 but no more than $1,000,000

(ix) greater than $1,000,000

(3) A listing of all real property in which a financial interest was held; however, this section shall not apply to real property used exclusively as his or her principal residence;

(4) Identification of any interested person from whom the person or his or her spouse (if not estranged) or any dependent child received a gift or contribution of money or property in excess of one hundred dollars ($100) in value or a series of gifts or contributions of money or property, the total of which exceeds one hundred dollars ($100) in value received from the same source, and a description of each gift or contributions, except those received from persons related to the person at any time within the third degree of consanguinity or affinity and campaign contributions which were reported as required by law, for purposes of this subsection, "interested person", means a person or a representative of a person or business that has a direct financial interest in a decision that the person subject to the Code of Ethics is authorized to make, or to participate in the making of, as part of his or her official duties;

(5) Identification of the source of all income received as beneficiary of a trust and identification of each asset, if known to the beneficiary, from which income was received by the beneficiary in excess of one thousand dollars ($1,000);

(6) A list of all boards of directors of which the person is a member and executive positions which he or she holds in any business entity, stating the name and address of each business entity;

(7) The name and address of any business entity in which he or she or any person enumerated in subsection (a) of this section held a ten percent (10%) or greater equity interest or five thousand dollars ($5,000) or greater cash value interest in

at any time during the calendar year for which the statement is required; and

(8) Identification of any person, business entity, financial institution or other organization to whom the person was indebted at any time during the calendar year for which the statement is required in an amount in excess of one thousand dollars ($1,000) other than:

(A) Any person related to the person at any time within the third degree of consanguinity or affinity; or

(B) Any transactions involving credit cards; or

(C) Any indebtedness to a financial institution, licensed and regulated by any state or by the United States, which is secured solely by a mortgage of record on real property used exclusively as the principal residence of the person required to file the statement.

(ii) This section does not require the reporting of the amount or amounts of the indebtedness or the payment record of the loans.

(c) The financial statement shall be sworn to under oath.

§ 36-14-18 Disclosure of regulated business interests. – (a) Every person who is required to file a financial statement pursuant to this chapter and who has, acquires, or divests him or herself of ten percent (10%) or greater equity interest or five thousand dollars ($5,000) or greater cash value interest in a business entity which is subject to direct regulation, greater than of a de minimus nature, by a state or municipal agency, or which does any business with a state or municipal agency, shall file with the commission at the times specified by this chapter, an affidavit:

(1) Identifying him or herself and stating the capacity in which he or she serves or is about to serve which occasions the filing of the affidavit;

(2) Identifying the business entity (or each business entity);

(3) Identifying the regulatory agency or agencies;

(4) Stating the nature of his or her interest in the business entity;

(5) Describing the manner in which the business entity is subject to regulation; and

(6) Stating whether the interest is held, or was acquired or divested, and if acquired or divested, when.

(b) The nature of an interest in a business entity shall be described in specific language.

(c) Every state or municipal official to which this section applies who holds office on January 1, 1988, and who has any interest required to be reported pursuant to this section, shall file the affidavit within ninety (90) days after January 1, 1988.

(d) If a state or municipal official to which this section applies, acquires or divests him or herself of an interest, required to be reported pursuant to this section, he or she shall file the affidavit within thirty (30) days after the date the interest was acquired or divested.

(e) In the case of appointments made after January 1, 1988, a state or municipal official who has any interest required to be reported pursuant to this section shall file the affidavit within thirty (30) days after the date of his or her appointment or the date he or she qualifies for the office.

§ 36-14-19 Penalties. – Any person who knowingly and willfully violates the provisions of this chapter shall, in addition to the civil penalties provided herein, be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000) and/or imprisonment for no longer than one year.

§ 36-14-20 Construction. – The provisions of this chapter shall be construed to be in addition to and not in substitution of any other provision of law not inconsistent herewith.

§ 36-14-21 Severability. – If any provision of this chapter, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the chapter and the application of the provisions to other persons and circumstances shall not be affected thereby.

LOBBYING (RI General Law, 22-10)

§ 22-10-1 Declaration of intent. – (a) The preservation of responsible government requires that the fullest opportunity be afforded to the people of the state to petition their government for the redress of grievances and to express freely to individual legislators and to committees of the legislature their opinion on legislation and current issues; and

(b) Public confidence in the integrity of the legislative process is strengthened by the identification of persons and groups who on behalf of private interests seek to influence the content, introduction, passage, or defeat of legislation and by the disclosure of funds expended in that effort.

§ 22-10-2 Definitions. – For the purpose of this chapter the following definitions apply:

(1) A person is "appointed" by another if he or she receives compensation for lobbying or pursuant to a mutual understanding or agreement engages in lobbying.

(2) "Compensation" means any remuneration received or to be received for services rendered as a lobbyist, whether in the form of a fee, salary, forbearance,

forgiveness, reimbursement for expenses, or any other form of recompense, and any combination of these. Where lobbying is incidental to a person's regular employment, his or her compensation for lobbying shall be reported as such and the lobbyist shall record the dollar amount of that portion of his or her compensation that is attributed to the time spent pursuing lobbying activities. In those instances, it shall not be necessary to disclose one's total salary or the percentage of one's time spent on lobbying. The lobbyist shall be required to disclose only his or her best good faith estimate of the dollar amount which corresponds to the portion of his or her time spent on lobbying activities.

(3) "Lobbying" means acting directly or soliciting others to act for the purpose of promoting, opposing, amending, or influencing in any manner the passage by the general assembly of any legislation or the action on that legislation by the governor.

(4) "Lobbyist" means any person who engages in lobbying as the appointed representative of another person.

(5) "Person" means an individual, firm, business, corporation, association, partnership, or other group.

(6) A "quasi-public corporation" means a body corporate and politic acting as a public corporation, which has been organized pursuant to law and granted certain powers, rights and privileges by the general laws, while exhibiting a distinct legal existence from the state, and not constituting a department of the state government, in order to perform a governmental function.

(7) "Major state decision-maker" means:

(i) All general officers; and all executive or administrative head or heads of any state executive agency enumerated in § 42-6-1 as well as the executive or administrative head or heads of state quasi-public corporations, whether appointed or serving as an employee. The phrase "executive or administrative head or heads" shall include anyone serving in the positions of director, executive director, deputy director, assistant director, executive counsel or chief of staff;

(ii) All members of the general assembly and the executive or administrative head or heads of a state legislative agency, whether appointed or serving as an employee. The phrase "executive or administrative head or heads" shall include anyone serving in the positions of director, executive director, deputy director, assistant director, executive counsel or chief of staff;

(iii) All members of the state judiciary and all state magistrates and the executive or administrative head or heads of a state judicial agency, whether appointed or serving as an employee. The phrase "executive or administrative head or heads"

shall include anyone serving in the positions of director, executive director, deputy director, assistant director, executive counsel, chief of staff or state court administrator.

(8) "Advertising" means any communication disseminated by means of printing, mailing, electronic transmission, broadcasting or other medium.

§ 22-10-3 Exemptions. – The following persons shall be exempt from the provisions of this chapter:

(1) Any elected public official or the official's designee acting in his or her official capacity.

(2) News media executives or their employees or agents who in the ordinary course of business write, publish, or broadcast news items, editorials, or other comments or paid advertisements which directly or indirectly urge legislative action, if those persons engage in no other lobbying activities in connection with that action.

(3) Persons engaged solely in drafting legislation.

(4) Persons who appear solely for themselves or at the request of a legislative committee or any general officer to testify in a public forum in support of or in opposition to legislation.

(5) Persons whose sole lobbying activity is testifying at a public hearing of a legislative committee or commission on behalf of a nonprofit organization and who receive no compensation from that nonprofit organization and for whom that organization expends no funds related to the appearance.

§ 22-10-4 Lobbyists – Limited activity. – (a) A person whose sole lobbying activity is testifying at a public hearing of a legislative committee or commission no more than twice during the legislative session, either on behalf of a for profit organization or entity or who receives compensation for the appearance, shall enter or cause to be entered his or her name in a separate register to be maintained in the office of the secretary of state, and shall be required to disclose:

(1) The legislation by bill number and subject matter on which testimony will be given;

(2) The name of the person, corporation, or association that engaged the person's services; and

(3) The compensation, if any, that the person is to receive.

(b) The person shall be exempt from all other reporting requirements of this chapter.

§ 22-10-4.1 Governmental employees. – Any employee of any branch of federal, state, or local government acting in his or her official capacity shall register his or her name and the agency which he or she represents in a separate register which shall be maintained by the secretary of state for that purpose. Each governmental employee shall annually register his or her name commencing with the year he or she begins lobbying activity. Governmental employees shall be exempt from the remaining provisions of this chapter. For the purposes of this exemption, agents and employees of public corporations shall not be considered state or local employees.

§ 22-10-5 Register – Information shown – Public records. – The secretary of state shall prepare and keep in conformity with the provisions of this chapter two (2) separate registers for lobbyists. One shall be for persons lobbying on legislative matters, and one for lobbyists who qualify under § 22-10-4. In these registers shall be entered the name and business address of the employer, and the name, residence, and occupation of the persons employed for any lobbying purpose in connection with legislation, the date of the employment or agreement for the employment, the length of time the employment is to continue, if the time can be determined, and the legislation by bill number or by the subject matter in the manner provided for in § 22-10-7. Each register shall be a public record and open to the inspection of any citizen upon demand at any time during regular business hours of the office of the secretary of state. Within ten (10) days of any filing, the secretary of state shall forward a list of lobbyists in the register on legislative matters to the chairperson of each standing committee of the house of representatives and the senate.

§ 22-10-6 Entry of names of lobbyists on register required. – Every person, corporation, or association that engages any person to act as a lobbyist as defined in § 22-10-2 shall, after the commencement of the annual legislative session and within seven (7) days after the date of the employment, cause the name of the person, corporation, or association and the name of the person so engaged, or agreed to be engaged, to be entered in the register as provided in § 22-10-5 in the office of the secretary of state. It shall also be the duty of the person so engaged as a lobbyist to enter or cause to be entered his or her name in the register within seven (7) days after his or her date of employment. Upon the termination of the engagement, that fact shall be entered opposite the name of any person so engaged by the employer or employee.

§ 22-10-7 Entries as to additional subjects of legislation. – (a) Every person, corporation, or association employing any lobbyist, and the lobbyist, shall, whenever further subjects of legislation are introduced or arise which the lobbyist is to promote or oppose, make or cause to be made additional entries opposite their names in the register. Each entry shall state the legislation by bill number or by the subject.

(b) The secretary of state shall prepare a form containing a comprehensive list of legislative subjects which shall be provided to each registrant. The registrant shall designate on that form the subject or subjects on which he or she intends to promote or oppose legislation. If the person intends to lobby on a subject not so listed, he or she shall identify it by bill number or by topic including a reference to the chapter of the general laws to be affected.

§ 22-10-8 Identification badge. – (a) There shall be issued by the secretary of state to every person who shall qualify as a legislative lobbyist, as provided in this chapter, an identification badge evidencing qualification in the form as shall be prescribed by the secretary of state. Every lobbyist shall conspicuously display this identification badge on his or her clothing while in the state house at all times of the day during any legislative session, special legislative session, and at all times of the day during any committee meeting or joint committee meeting of the general assembly. The color of the identification badge shall be changed each legislative year. The badge shall include, but not be limited to, the word "Lobbyist" in bold print as well as the name of the lobbyist, the year, the registration number of the lobbyist, and the name of the employer.

(b) An annual fee equal to the actual cost of preparing the badge, but not exceeding five dollars ($5.00), shall be paid by the lobbyist. The fee shall be paid to the secretary of state at the time of registration for deposit in the state's general treasury.

§ 22-10-9 Financial reports. – (a) Every person that engages any person to act as a lobbyist concerning legislative matters, and the lobbyist, shall individually file with the secretary of state a complete and itemized report of all expenditures made for the purpose of lobbying, including, but not limited to, advertising expenses and all compensation paid to the lobbyists for lobbying, and all campaign contributions in excess of one hundred dollars ($100) to state and municipal elected officials and state political action committees. The report shall also include any expenditure, gift, or honorarium of twenty-five dollars ($25.00) or more for each occurrence concerning any legislative or executive official paid or incurred by the person who engages the lobbyist and the lobbyist. The report shall include the names of the individuals receiving or in whose behalf the expenditures have been made, and the reason, date, and place of the expenditures.

(2) Any function to which the entire membership of the general assembly, or of either chamber or of any legally constituted legislative committee or commission within the general assembly, is invited, which is sponsored by any person, corporation, or association having engaged any person to act as a lobbyist, or by any lobbyist, shall be deemed a lobbying activity, and any funds expended or incurred for that function shall be set forth in the financial report.

(3) The initial report shall be filed by the person, corporation, or association having engaged any person to act as a lobbyist and by the lobbyist at the time of their initial registration, and updated reports shall be filed with the secretary of state by the fifteenth (15th) day of each month thereafter, beginning in March until the final adjournment of the general assembly. A final report shall be filed no later than thirty (30) days after the final adjournment; provided, however, in the year 2005, the first updated report filed under this subsection shall be filed by June 15th.

(4) All reports shall be on a form prescribed by the secretary of state, and the reports shall be open for public inspection.

(5) In the event no compensation has been paid or received, and no expenses have been paid or incurred, an annual statement to that effect may be filed with the secretary of state in lieu of the report form.

(b) During any special session of the general assembly, every person, corporation, or association that engages any person to act as a lobbyist, and every lobbyist so engaged, shall register within twenty-four (24) hours of the commencement of the session. The initial financial reports shall be filed within twenty-four (24) hours after the date of the employment for the special session, and updated reports shall be filed every fourteen (14) days thereafter. The final report shall be filed no later than seven (7) days after the date of adjournment.

(c) Not later than January 15 of each year, every lobbyist and every individual, firm, business, corporation, association, partnership, or other group which employed a lobbyist or engaged any person to act as a lobbyist or who was required to register with the office of secretary of state during the preceding year pursuant to § 22-10-6 shall file with the secretary of state a complete and detailed report of all money or anything of value which in the aggregate exceeds two hundred fifty dollars ($250) provided or promised to any major state decision-maker within the preceding calendar year. "Money" and "anything of value" in this subsection and in subsection (d) of this section shall mean any fee, salary, commission, expense allowance, forbearance, forgiveness, royalty, rent, capital gain, gift, loan, reward, favors or services, gratuities or special discounts, or any other form of recompense that constitutes income under the Federal Internal Revenue Code.

(d) Not later than January 15 of each year, every individual, firm, business, corporation, association, partnership or other group specified in subsection (c) of this section shall provide an exact copy of the report required in subsection (c) of this section to the Rhode Island ethics commission and to any major state decision-maker to whom it provided or promised money or anything of value which in the aggregate exceeds two hundred fifty dollars ($250) within the preceding calendar year.

§ 22-10-10 Duties and powers of the secretary of state. – The secretary of state shall have authority to perform any duties that are necessary to implement the provisions of this chapter. Without limiting the generality of the foregoing, the secretary of state is authorized and empowered to:

(1) Develop forms for the making of the required financial reports.

(2) Develop one register for legislative lobbyists and one register for limited activity lobbyists.

(3) Adopt rules and regulations to carry out the purposes of this chapter.

(4) Prepare and make available for public inspection through the office of the secretary of state summaries of all reports.

5) Prepare and publish a manual for all persons, corporations, or associations which engage any person as a lobbyist and for all lobbyists which sets forth the requirements of this chapter and conduct an annual education program for lobbyists to review the requirements of this chapter and chapter 139 of title 42 regarding lobbying activities and construction on codes of ethics and conflicts of interest.

(6) Ascertain whether any person, corporation, association, or lobbyist has failed to register or file reports or has filed an incomplete or inaccurate report; and the secretary may, for good cause shown, extend the dates upon which reports are required to be filed.

(7) Conduct investigations and/or hearings relative to alleged violations of this chapter either on his or her own initiative or upon receipt of a verified written complaint, which complaint shall, upon pain and penalty of perjury, be based upon actual knowledge and not merely on information and belief. Upon completion of the investigation, if the secretary of state has reason to believe that a violation has occurred, the secretary may convene a hearing for the purpose of taking evidence and receiving testimony regarding the alleged violation. At this hearing, the person alleged to have committed the violation shall be afforded the opportunity to present evidence and offer testimony in his or her defense. Upon completion of the hearing, if the secretary of state determines by a preponderance of the evidence that a violation has occurred, the secretary shall order the lobbyist or person engaging a lobbyist to file any report or amended report that is necessary to immediately correct the violation. If the secretary determines by clear and convincing evidence that the violation was intentional and that the violator failed to comply when given notice of the deficiency, then he or she may impose an administrative penalty as provided in § 22-10-11(a). Any determination and/or administrative penalty imposed by the secretary of state may be appealed by the aggrieved party to superior court pursuant to the provisions of chapter 35 of title 42. If the secretary of state determines that the nature of the violation was of such seriousness and willfulness as to warrant a criminal complaint, he or she may refer the violation to the attorney general for prosecution as provided for in § 22-10-11(b).

(8) Administer oaths.

(9) Prepare and publish annually by March first (1st), a report on lobbying in Rhode Island to be submitted to the governor, the speaker of the house, the house majority leader, the house minority leader, the senate president, the senate majority leader, the senate minority leader, and members of the ethics commission. The annual report shall include information on lobbying activities as provided in §§ 22-10-4, 22-10-5, 22-10-9, 42-139-3, 42-139-4, 42-139-5, and 42-139-6. The report shall be made available electronically on the secretary of state's website.

§ 22-10-11 Penalty for violations of chapter. – *(a) Administrative penalty.* Any person, corporation, association, or lobbyist who is found to have intentionally violated any provision of this chapter shall be subject to an administrative penalty not to exceed two thousand dollars ($2,000) per violation which may be imposed by the secretary of state after a hearing complying with the procedures set forth in § 22-10-10(7).

(b) *Criminal penalty.* Any person, corporation, or association that shall willfully fail to file reports when due or shall fail to comply with any provision of this chapter shall, upon conviction for that offense, be fined not less than five hundred dollars ($500) nor more than ten thousand dollars ($10,000). Any person employed as a lobbyist or agent who shall willfully fail to file reports when due or shall otherwise fail to comply with any provision of this chapter shall be fined not less than five hundred dollars ($500) nor more than two thousand dollars ($2,000), and shall be debarred from acting in the capacity of a lobbyist for the period of three (3) years from the date of conviction.

§ 22-10-12 Lobbying without compliance prohibited. – No person shall appear as a lobbyist before any committee of the general assembly or either branch of the general assembly or engage in any lobbying activity unless his or her name appears upon the register for lobbyists. No person, private or public corporation, or association shall directly or indirectly employ any person as a lobbyist unless the name of that person, corporation, or association and the lobbyist are duly entered on the register as provided by this chapter. No person shall be employed as a lobbyist for compensation dependent in any manner upon the passage or defeat of any proposed legislation or upon any other contingency connected with the action of the general assembly, or of either branch or of any committee of the general assembly, or of the governor. Any person, corporation, or association violating this section shall be subject to the penalties set forth in § 22-10-11.

SECTION VIII – PERSONAL NOTES

SECTION IX – APPENDIX

Deaf and Hard of Hearing Related Laws in Rhode Island

Education

- Children with Disabilities, RI General Laws, Chapter 16-24
- Education of Children Who are Deaf or Blind, RI General Laws, Chapter 16-25
- Instruction for Deaf or Hard of Hearing Students, RI General Laws, Chapter 16-25.2
- School Speech and Language Pathologists, RI General Laws, Chapter 16-25.3
- American Sign Language, RI General Laws, Chapter 16-25.4
- School for the Deaf, RI General Laws, Chapter 16-26
- 60/40 Funding of Public Schools, RI General Laws, Chapter 16-69, Section 2

Courts and Civil Procedures

- Communication Access in Courts, RI General Laws, Chapter 8-5, Section 8
- Communication Access for Jury Service, RI General Laws, Chapter 9-9, Section 1.2

Health and Safety

- Rhode Island Commission on the Deaf and Hard of Hearing, Chapter 23-1.8
- Assisted Living Residence Licensing Act, RI General Laws, Chapter 23-17.4, Section 6

Businesses and Professionals

- Interpreter for the Deaf, RI General Laws, Chapter 5-71

Libraries

- State Aid to Library, RI General Laws, Chapter 29-6, Section 7

Motor and Other Vehicles

- Pedestrians, RI General Laws, Chapter 31-18, Section 15

Open Meeting and Access to Public Records

- Public Record and Access - RI General Laws, Chapter 38
- Open Meeting Act - RI General Laws, Chapter 42-46

Public Utilities Commission

- Telephone Relay Services, RI General Laws, Chapter 39-1, Section 42
- Anti-Discrimination Provisions, RI General Laws, Chapter 39-2, Section 5

Adaptive Telephone Equipment Loan Program

- Adaptive Telephone Equipment Loan Program Committee, RI General Laws, Chapter 39-23
- Adaptive Telephone Equipment Loan Program Fund, RI General Laws, Chapter 40-1, Section 9

Equal Rights for Deaf and Hard of Hearing Persons

- Guide Dogs for Deaf or Blind persons, RI General Laws, Chapter 39-2, Section 13
- Equal Rights of Blind and Deaf Persons to Public Facilities, RI General Laws, Chapter 40-9.1

Independent Living Services and Centers

- Independent Living Services and Centers, RI General Laws, Chapter 42-12.2

Commerical Laws (Warranties)

- Consumer Enforcement of Assistive Technology Device Warranties, RI General Laws, Chapter 6-45, Section 1

CHRONOLOGY

Early 1970's – The Rhode Island community formed a task force and submitted legislative bill to establish the State commission.

1977 – The Senate Bill 882 of creating the Commission was introduced.

1978 – The creation of the Commission on the Deaf and Hearing Impaired (SB 882) was signed into law by Governor J. Joseph Garrahy on May 9, 1978. No funding was approved. (The CDHI had 21 commissioners, mostly state agencies and departments.)

1982 – A part-time staff supported the CDHI using funding from the Vocational Rehabilitation service.

1983– TDD Bill passed, now called ATEL.

1985 – No funding from the VR to support the CDHI.

1987 – The budget for the CDHI was finally passed but it was only $1,000. It was used for materials, communication access, etc. for the year.

1989 - For the 1st time, the budget for a full-time position, Coordinator, was approved and then, filled to support the CDHI.

1989 – The Executive Order was signed by the Governor to create the Governor's Office on Disability that would include the CDHI, TDD Distribution, etc. but failed.

1990 – Pilot Program created for Interpreter Referral Service.

1992– Governor Bruce Sundlun asked all commissioners except one to resign. The House Bill 8245 was introduced on February 12, 1992 by Representatives Gaschen and Levesque, then, signed into law by Governor Bruce Sundlun on July 13, 1992 to re-structure the Commission from CDHI to CDHH, Deaf and Hard of Hearing. Also, the number of commissioners was reduced to 9 Commissioners from 21 and they must be appointed by the Governor. The majority of the Commission appointed by the Governor must be deaf and hard of hearing.

1992 – The Tri-Vision Philosophy was created to be embraced by the RICDHH.

1993 –	The Interpreter Referral Service contract was awarded to the Ocean State Center for Independent Living (OSCIL).
1993 –	Emergency Interpreter Referral via Paging system established via interpreters.
1994 –	Emergency Interpreter Referral via paging system was dissolved due to lack of resources.
1995 -	Emergency Interpreter Referral via paging system was re-established by the Commissioners. One of 3 Commissioners took turns to handle paging system overnights.
1996 -	The second full-time position, Senior Research Assistant, was created.
1997 -	Emergency Interpreter Referral via paging system was dissolved again due to lack of resources and peoplepower.
1999 –	The third full-time position, Executive Director, was created. Marilyn Levin was hired.
2001 –	Marilyn Levin resigned.
2002 –	1st Deaf Executive Director, Steven Florio, was hired.
2003 –	Interpreter Referral Service moved in-house.
2005 –	The Emergency Interpreter Referral Service was established with state funding.
2005 –	RICDHH's new logo unveiled.
2005 –	The RICDHH hosted 1st meeting of the New England State Commissions for the Deaf and Hard of Hearing. 6 states (RI, MA, CT, NH, VT, and ME).
2007-2008 –	The RICDHH was named to be a part of consolidation under the Department of Elderly Affairs on the budget proposal bill but failed. (HB5300—Article 3 in 2007 and HB7390—Article 43 in 2008)

CDHH Home

1978 - 1982 –	No Office
1982 - 1985 –	Office of Vocational Rehabilitation Service building at 40 Fountain Street.
1985 - 1987 –	No Office
1987 - 1990 –	Commission on Handicapped Office at ORS building at Valley Street. (CDHI existed in the 3rd drawer of Comm. On HC's file cabinet.)
1990 - 1991 –	Vocational Resources, Inc. (Now Goodwill Industries) building at 100 Houghton Street.
1991-1998 –	2nd Floor of the Department of Administration building at One Capitol Hill. (Only two desks and one closet at walking distance in the different room.)
1998 - 2006 –	Ground Level, bigger room but no visible to public.
2006 - Present -	Ground Level, same size of room but more visible to public.

Chairpersons

- Christine Thompson 2011 - Present
- Travis Zellner 2004 - 2011
- Wayne Cook, Jr. 2002 – 2004
- Jan Luby (Acting) 2001 – 2002
- Beth Wilson 2000 – 2001
- Dinaz Adenwalla 1993 – 2000
- Bruce Bucci 1991 – 1993
- Jeanne Panarace (Acting) 1991
- Aristotle Ogoke 1990 – 1991
- Ray Filippo (Acting) 1990
- Beth Wilson 1984 – 1990
- Jodi Glass 1984 – 1985
- Helen Novsam 1982 – 1984
- Peter Blackwell (Temporary) 1981

RHODE ISLAND LEGISLATIVE PROCESS

Part of responsibilities of the Commissioners and staff:

- Monitors the legislative bills that affect the Deaf and Hard of Hearing population.
- Develops strategic plans as to how to promote favorable legislative bills.
- Communicates with various organizations, advocates, and legislators about the position of the Commission.

Timeframe:

The Legislative Session begins in January and ends at the late June.

Dates to remember:

In the Autumn – Legislation is originated in Fall

- Any new proposed legislative bills need to be approved by the RICDHH Commissioners.
- RICDHH legislative initiatives submitted to Governor's Office.
- Draft legislation through RICDHH legislator before January.

January 1 to Mid-February:

- The legislative bills are accepted before the deadline and to be introduced through the General Assembly.

February to June:

- Hearings held in Committees for various bills before deadline.

May to July:

- Passed bills will be considered for Governor's signature, Governor let them go into law without his signature, or Governor's veto.

<u>How a Bill becomes Law, The Easy Path:</u>

- a Representative drafts bill concept, legislative council drafts bill.
- Recording clerk assigns number, Bill is printed.
- Bill is referred to a House committee.
- House committee has a hearing

- Passes or amends bill—"reported out"
- Tables or defeats bill—"killed" or "allowed to die"

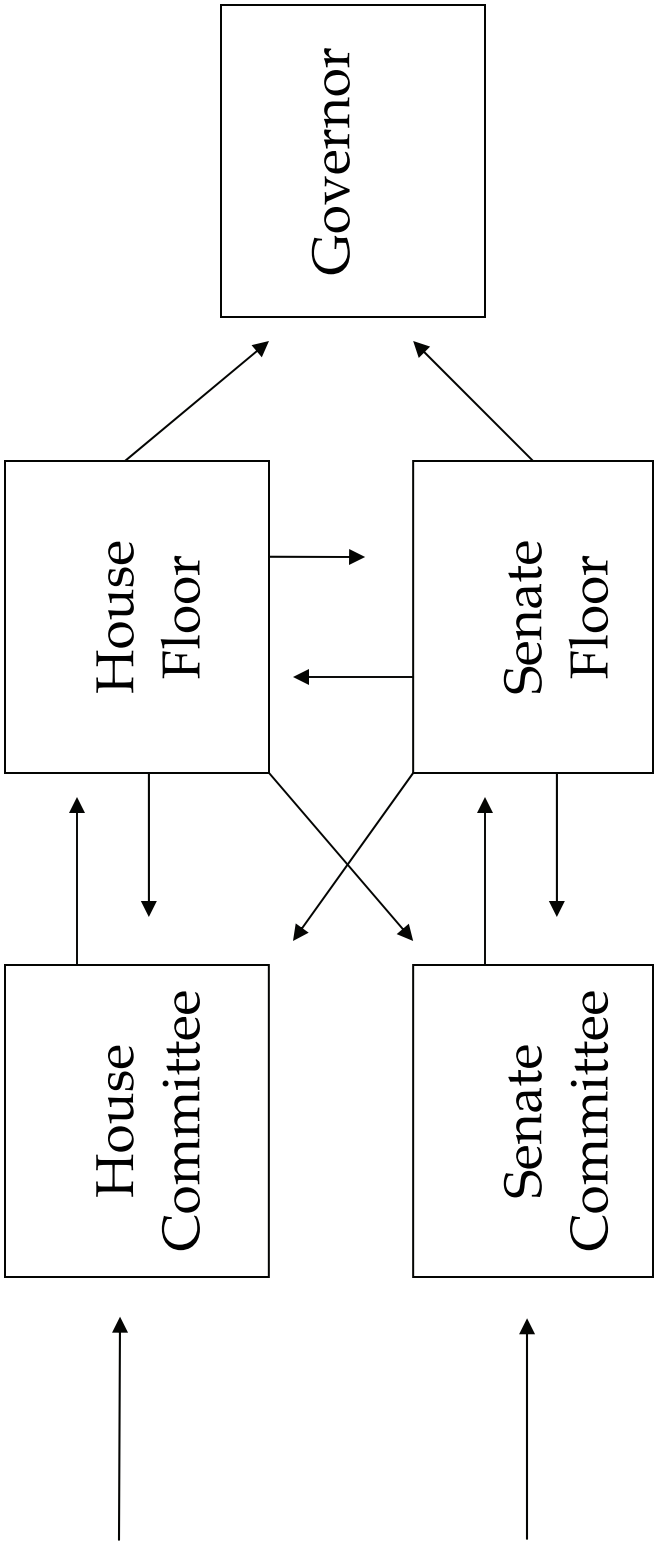
- Bill is placed on House calendar
- Debate and vote on House floor
  - Passes or amends bill
  - Defeats bill
  - Sends back to committee (usually to die)
- Sent to "other chamber" (Bill now goes to the Senate.)
- Bill is referred to a Senate committee
- Senate committee has a hearing
  - Passes or amends bill—"reported out"
  - Tables or defeats bill—"killed" or "allowed to die"
- Bill is placed on Senate calendar
- Debate and vote on Senate floor
  - Passes or amends bill
  - Defeats bill
  - Sends back to committee (usually to die)
- If Senate version same as House version—send to Governor
- Governor considers bill
  - Sign the bill into law
  - Veto
  - End of session— no action more than 7 days means passage.
  - "Sign" the bill after the session in a ceremony.

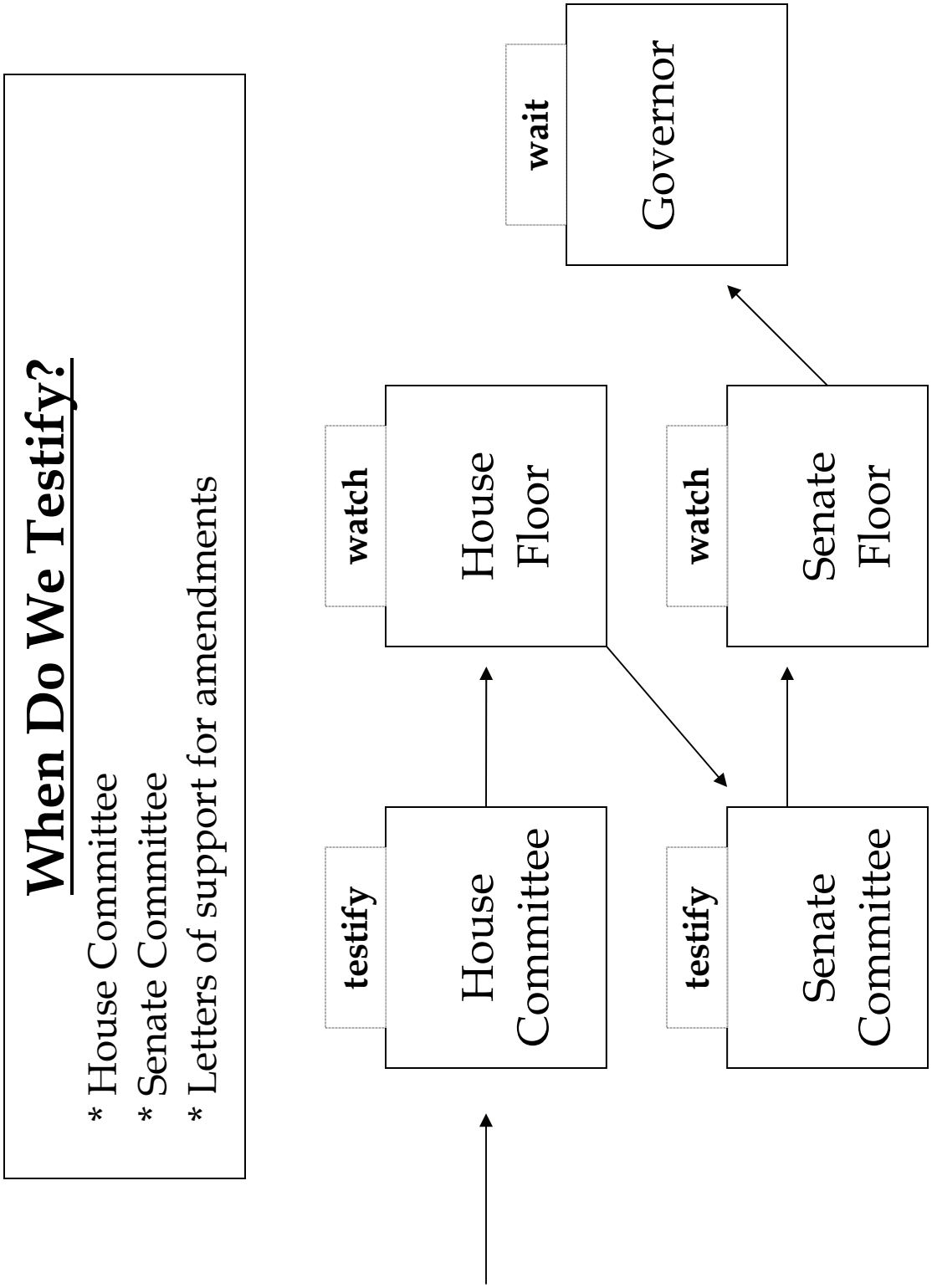
How a Bill Becomes Law, the Hard Path

- Committee passes bill with amendments
- House passes bill, goes to Senate
- Senate Committee makes amendments
- Senate passes bill, goes BACK TO HOUSE
- House Committee passes bill with amendments
- House passes same bill as Senate
- Bill now goes to Governor for his consideration.

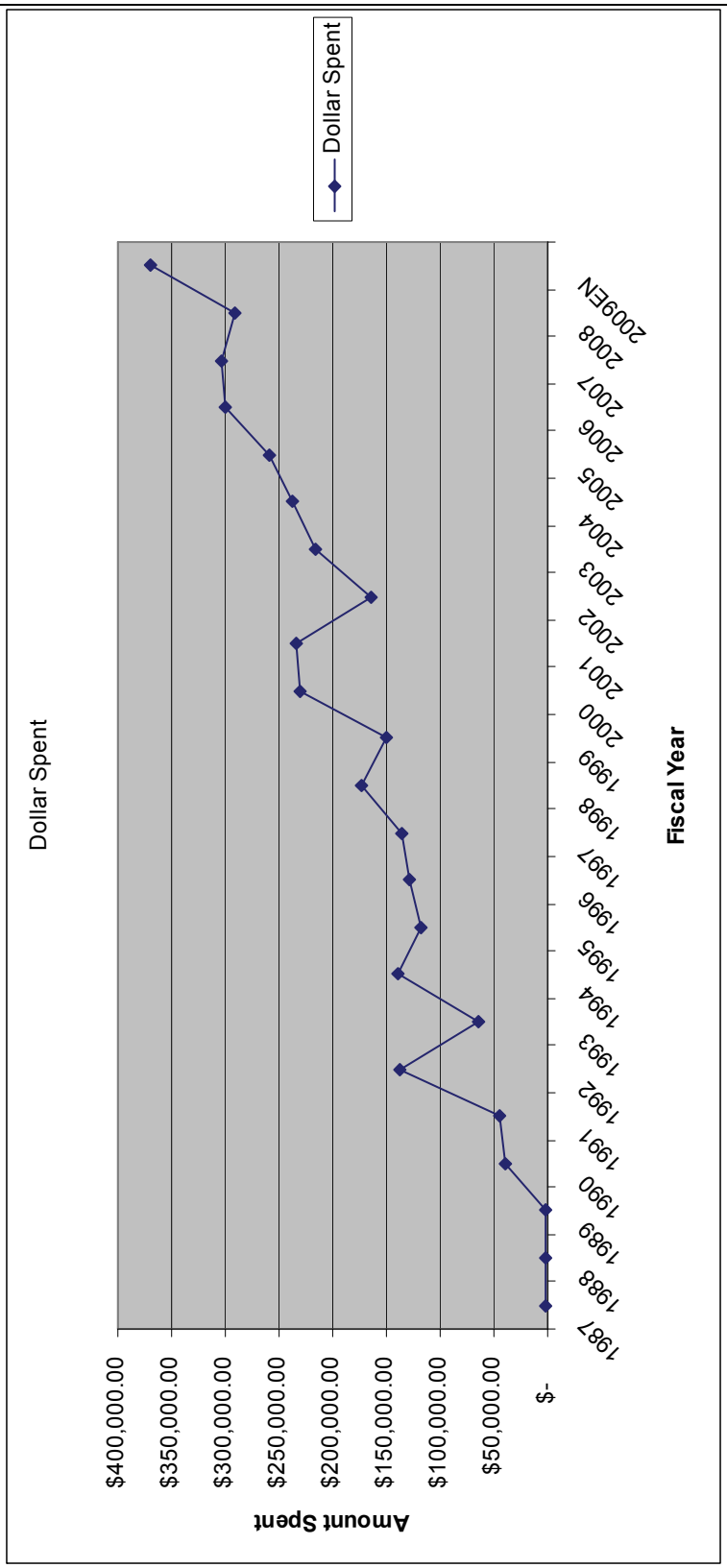
The Ping Pong Bill

Bill has to be passed on both House and Senate sides with same language.




When Do We Testify?
* House Committee
* Senate Committee
* Letters of support for amendments
testify
House Committee
watch
House Floor
testify
Senate Committee
watch
Senate Floor
wait
Governor

RICDHH HISTORICAL BUDGET SINCE ITS INCEPTION



These symbols below that are internationally known and recognized are deaf and hard of hearing related.

International Symbol of Deaf/Hard of Hearing
This symbol indicates individual(s) who is deaf, hard of hearing, or having **some degrees of hearing**

Closed Captioning (CC)
This symbol indicates a choice for whether or not to display captions for a television program, videotape, or DVD.. TV sets that have a built-in or a separate decoder are equipped to display dialogue for programs that are captioned when selected by the viewer. The Television Decoder Circuitry Act

Opened Captioning (OC)
This symbol indicates that captions, which translates dialogue and other sounds in print, are always displayed on the videotape, DVD, movie or television program. Open Captioning is preferred by many including deaf and hard-of-hearing individuals, and people whose second language is English. In addition, it is helpful in teaching children

Assistive Listening Systems
These systems transmit amplified sound via hearing aids, headsets or other devices. They include infrared, loop and FM systems. Portable systems may be available from the same audiovisual equipment suppliers that service conferences and meetings.

Telephone Typewriter (TTY)
This device is also known as a text telephone (TT), or telecommunications device for the deaf (TDD). TTY indicates a device used with the telephone for communication with and between deaf, hard of hearing, speech impaired and/or hearing persons.

Sign Language Interpretation
The symbol indicates that Sign Language Interpretation is provided for a lecture, tour, film, performance, conference or other program.

Volume Control Telephone
This symbol indicates the location of telephones that have handsets with amplified sound and/or adjustable volume controls

Mission Statement:

To provide innovative leadership in public policy, advocacy, service delivery and accessibility throughout the Ocean State, RI CDHH ensures opportunities for each deaf and hard of hearing person to become an empowered, contributing citizen.

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